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OF THE

SEVENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY,

OF THE

TERRITORY OF MONTANA,

BEGUN AND HELD AT VIRGINIA CITY, THE CAPITAL OF SAID
TERRITORY, ON THE 4th DAY OF DECEMBER,
A.D., 1871, AND CONCLUDED JANUARY
12th, A.D., 1872.

PUBLISHED BY AUTHORITY.

"NEW NORTH WEST," DEER LODGE, MONTANA.
JAMES H. MILLS, PUBLIC PRINTER,
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COUNCIL JOURNAL

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SEVENTH SESSION

LEGISLATIVE ASSEMBLY

1907-1908

THE JOURNAL OF THE COUNCIL OF THE
LEGISLATIVE ASSEMBLY
FOR THE SEVENTH SESSION
1907-1908

PRINTED BY THE GOVERNMENT PRINTER

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*Did not appear and qualify.

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*Resigned.		
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COUNCIL JOURNAL.

SEVENTH SESSION.

FIRST DAY.

December 4, 1871.

In pursuance of Law, the Legislative Council of the Seventh Legislative Assembly of the Territory of Montana, convened in the Council Chamber, at Virginia City, the Capital of Montana Territory, on the fourth day of December, A. D. 1871, at 12 o'clock, M., the Hon. James E. Callaway, Secretary of the Territory of Montana, called the Council to order.

Mr. Warren, of Madison, moved the appointment of a temporary President.

Which was carried.

Mr. Laurence, of Lewis and Clarke, placed in nomination Mr. Stapleton, of Beaver Head.

Mr. Stapleton declined the nomination.

Mr. Collins, of Meagher, nominated Mr. Beck, of Gallatin, who was unanimously chosen President, *pro tem*.

On motion of Mr. Warren, A. M. S. Carpenter, of Madison, was chosen Chief Clerk, *pro tem*.

On motion of Mr. Stapleton, R. E. Arick was chosen Assistant Clerk, *pro tem*.

On motion of Mr. Mitchell, the roll of members claiming seats was called, when the following persons answered to the call :

First Council District—Madison and Beaver Head Counties—Messrs. G. W. Stapleton, C. J. Kinney, and H. L. Warren.

Second Council District—Deer Lodge and Missoula Counties—Messrs. John Owen, A. F. Shoup, and A. H. Mitchell.

Third Council District—Lewis and Clarke, and Jefferson Counties—Messrs. Seth Bullock and R. Laurence.

Fourth Council District—Gallatin, Meagher, and Choteau Counties—Messrs. T. E. Collins and S. J. Beck.

On motion of M. Kinney, John Thomson, of Beaver Head, was chosen Sergeant-at-Arms, *pro tem*.

On motion of Mr. Laurence, H. J. Johnson, of Madison, was chosen Fireman, *pro tem*.

On motion of Mr. Collins, M. D. Post, of Madison, was chosen Door-keeper, *pro tem*.

Mr. Mitchell moved the appointment of four on credentials, which prevailed, and the President, *pro tem*., appointed as such committee, Messrs. Stuart, of Deer Lodge; Laurence, of Lewis and Clarke; Kinney, of Madison, and Collins, of Meagher.

On motion of Mr. Mitchell, the Council adjourned until tomorrow at 12 o'clock, M.

S. J. BECK,
President, pro tem.

A. M. S. CARPENTER,
Chief Clerk, pro tem.

SECOND DAY.

December 5, 1871.

Council met pursuant to adjournment, President, *pro tem*., in the chair.

Roll called—absent, Messrs. Kinney and Shoup.

On motion of Mr. Mitchell, the Sergeant-at-Arms, *pro tem*., was instructed to bring in the absent members.

Without report from the Sergeant-at-Arms, on motion of Mr. Collins, a further call of the Council was dispensed with.

On motion of Mr. Mitchell, the Council took a recess until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

Council resumed, President, *pro tem.*, in the chair.

Roll called—quorum present.

Mr. Laurence called for the report of the Committee on Credentials.

Mr. Stuart, Chairman of the Committee, submitted the following report :

The Committee on Credentials beg leave to submit the following report :

We find the following persons have been duly elected, and are entitled to seats in the Legislative Council of Montana Territory.

First Council District—H. L. Warren, C. J. Kinney, and G. W. Stapleton.

Second Council District—A. H. Mitchell, Granvill Stuart, John Owen, and A. T. Shoup.

Third Council District—R. Laurence, Seth Bullock, Robert Fisher, and James Howe.

Fourth Council District—S. J. Beck and T. E. Collins.

All of which is respectfully submitted.

GRANVILL STUART,

Chairman Committee on Credentials.

On motion of Mr. Warren, the report was adopted, and the committee discharged.

Mr. Warren moved that a committee of two be appointed to wait on the Hon. J. L. Murphy, Associate Justice of the Supreme Court of Montana, and invite him to administer to the members of the Council the oath of office. The motion prevailed, and the President, *pro tem.*, appointed as such committee, Messrs. Warren and Collins, who reported Judge Murphy in attendance.

The roll was called, and all the members answered to their names excepting Mr. Owen, of Missoula. Judge Murphy then advanced to the President's chair, and administered the oath of office to all the members present.

On motion of Mr. Warren, the Sergeant-at-Arms, *pro tem.*, was instructed to bring in the absent member. The Sergeant-at-Arms having reported Mr. Owen in his seat, Judge Murphy administered to Mr. Owen the oath of office.

On motion of Mr. Stapleton, the thanks of the Council were tendered to Judge Murphy, for administering the oath of office to its members.

Mr. Collins offered the following resolution :

Resolved, That the Council do now organize by the election of permanent officers, in the following order : First, President ; second, Chief Clerk ; third, Assistant Clerk ; fourth, Sergeant-at-Arms ; fifth, Enrolling Clerk ; sixth, Engrossing Clerk ; seventh, Door-keeper ; eighth, Fireman ; ninth, Two Pages.

Mr. Warren moved to amend by adding "tenth, the election of Chaplain."

Which was adopted.

Upon the adoption of the resolution, as amended,

Mr. Fisher called for the ayes and nays.

Roll called—*Ayes*, Messrs. Beck, Collins, Kinney, Laurence, Mitchell, Owen, Shoup, Stapleton, Stuart, and Warren.

Nays—Messrs. Bullock, Fisher, and Howe.

The resolution as amended was adopted.

Mr. Warren moved that all officers of the Council be elected *viva voce*.

Which was adopted.

Nominations being in order,

Mr. Collins placed in nomination as permanent President of the Council, Mr. A. H. Mitchell, of Deer Lodge.

On motion of Mr. Laurence, the rules were suspended, and Mr. Mitchell was elected by acclamation.

Mr. Laurence moved that a committee of two be appointed to conduct the President elect to the chair, which was adopted, and the chair appointed Messrs. Laurence and Warren such committee.

Upon taking the chair, Mr. Mitchell returned thanks for the honor conferred, and announced that he awaited the pleasure of the Council.

Mr. Owen, of Missoula, placed in nomination for Chief Clerk of the Council, R. E. Arick, of Lewis and Clarke.

On motion of Mr. Stapleton, the rules were suspended, and R. E. Arick was elected by acclamation.

On motion of Mr. Laurence, the rules were suspended, and A. M. S. Carpenter was elected Assistant Clerk by Acclamation.

Mr. Kinney placed in nomination for Sergeant-at-Arms, James Cadigan, of Madison.

Mr. Collins nominated W. F. Redick; Mr. Redick declined, and

On motion of Mr. Laurence, Mr. Cadigan was elected by acclamation.

Mr. Collins placed in nomination for Enrolling Clerk, H. C. Wilkinson, of Lewis and Clarke.

On motion of Mr. Beck the rules were suspended, and Mr. Wilkinson was elected by acclamation.

Mr. Laurence placed in nomination for Engrossing Clerk, W. F. Kirkwood, of Gallatin.

Mr. Collins nominated Newton Dickinson, of Deer Lodge.

The roll was called, and Mr. Dickinson received 9 votes, and Mr. Kirkwood 4 votes. Mr. Dickinson was declared duly elected.

Mr. Stapleton placed in nomination for Door-keeper, John Thomson, of Beaver Head.

On motion of Mr. Laurence, the rules were suspended, and Mr. Thomson was elected by acclamation.

Mr. Laurence placed in nomination for Fireman, L. H. Geer, of Lewis and Clarke.

On motion of Mr. Beck, the rules were suspended, and Mr. Geer was elected by acclamation.

Mr. Warren placed in nomination for Chaplain of the Council, Rev. H. H. Prout, of Madison.

On motion of Mr. Fisher, the election of Chaplain was postponed until to-morrow, at 2 o'clock, P. M.

Mr. Collins nominated for Pages, Masters M. Harris and R. J. Watson.

Mr. Warren nominated Masters Charles Barber and Edwin C. Johnson.

Mr. Laurence nominated Master George Thexton.

The roll was called, and upon the first vote Barber received 7 votes; Harris, 6 votes; Watson, 4 votes; Johnson, 6 votes; and Thexton, 3 votes.

Master Barber was declared duly elected a Page of the Council.

A second call of the roll was ordered, and Master Johnson received 7 votes; and Harris, 6 votes.

Master Johnson was declared duly elected a Page of the Council.

The President then administered the oath of office to all the attachees and officers elected of the Council.

A Committee of the House, through Mr. Searles, Chairman, appeared at the Box of the Chamber, and announced that the House of Representatives had perfected its organization, and were ready to co-operate with Council in such matters as may properly come before them.

At the suggestion of Mr. Warren, Mr. Owen administered to Mr. Mitchell, as President, the oath of office.

Mr. Collins offered the following resolution:

Resolved, That a committee consisting of two members of the Council be appointed to join such committee as may be appointed by the House, to wait upon His Excellency, the Governor, and inform him that a quorum of each House has assembled, and that the Legislative Assembly is ready to receive any communication he may be pleased to make.

On motion of Mr. Warren the resolution was adopted, and Messrs. Warren and Fisher were appointed such committee.

Mr. Warren moved that a committee of three be appointed, to inform the House of Representatives that the Council has perfected its organization, and is ready to co-operate with the House in the transaction of any business that may properly come before them.

The motion prevailed, and Messrs. Laurence, Beck, and Shoup were appointed such committee.

On motion of Mr. Collins, the following resolution was unanimously adopted:

Resolved, That the thanks of the members of Council are due and are hereby tendered to the Hon. S. J. Beck, for the faithful and efficient manner in which he has discharged his duties as President, *pro tem*.

On motion of Mr. Laurence, the following resolution was adopted:

Resolved, That until otherwise ordered, the rules adopted by the Legislative Council of the Sixth Session of the Legislative Assembly be, and they are hereby, adopted as the rules for the government of the Council.

On motion of Mr. Laurence, the Council adjourn until to-morrow, at 10 o'clock, A. M.

THIRD DAY.

December 6, 1871.

Council met pursuant to adjournment, Mr. President in the chair.

Roll called—quorum present.

Minutes of 1st and 2d days read and approved.

On motion of Mr. Warren, the Council took a recess until 10.45 o'clock, A. M., to-day.

10.45, A. M.

Council resumed—all present.

Messrs. Jordan and Poindexter, a committee from the House, appeared at the Box of the Council, and invited this body to meet the House in joint convention at 2 o'clock, P. M., to-day, at the Hall of the House, for the purpose of receiving the Governor's message.

On motion of Mr. Warren, the invitation of the House to meet that body was accepted.

Mr. Warren, Chairman of the Committee to inform the Governor of the organization of the Council, reported that the committee had performed its duty, and that the Governor had signified his willingness to meet the Legislature at 2 P. M., to-day.

The report was accepted and the committee discharged.

Mr. Laurence, Chairman of the Committee to inform the House of the organization of the Council, reported that the committee had attended to that duty.

Report accepted and committee discharged.

Mr. Stapleton offered the following resolution, which was unanimously adopted :

Resolved, That the thanks of the Council be, and they are hereby, tendered to the Hon. James E. Callaway, Secretary of Montana, for the efficient and considerate manner in which he has performed his duties, in providing the members of this body with a neat, comfortable, and well-furnished chamber, with everything necessary for convenience and comfort.

On motion of Mr. Fisher, the special order at 2 P. M., to-day, was postponed until 11 o'clock, A. M., to-morrow.

On motion of Mr. Warren, the Secretary of the Territory was requested to furnish each member of this body with a copy of the rules of the Council of the Sixth Legislative Assembly.

Mr. Laurence offered the following resolution, which was adopted :

Resolved, That W. F. Kirkwood be allowed to place and occupy in the Council Chamber a reporter's desk.

On motion of Mr. Warren, a committee consisting of three, Messrs. Warren, Collins, and Laurence, was appointed to prepare rules for the government of the Council, and to report thereon as speedily as possible.

On motion of Mr. Collins, a committee consisting of three, Messrs. Collins, Warren, and Laurence, was appointed to act with a like committee from the House, to prepare joint rules for the government of the Legislative Assembly.

On motion of Mr. Warren, the Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

On motion of Mr. Warren, the Council proceeded in a body to the hall of the House, to meet that body in joint convention.

In joint convention, Seventh Legislative Assembly.

The joint convention of the Legislative Assembly of Montana was called to order by the President of the Council, Hon. A. H. Mitchell.

Roll called—absent, Messrs. Billings, Dixon, Smith, and Wright.

Mr. Jordan, of the House, offered the following resolution :

Resolved, By the two Houses of Legislative Assembly, in joint convention assembled, that a committee of two members from the Council, and three from the House of Representatives, be appointed to wait upon the Governor, and inform him that the two houses are in joint convention and ready to receive any communication he may be pleased to make.

The resolution was adopted, and Messrs. Warren and Stapleton of the Council, and Messrs. Jordan, McCabe, and Searles of the House, was appointed such committee, who proceeded forthwith to perform that duty, and reported the Governor in attendance.

Mr. Warren, Chairman of the Committee, presented the Governor officially to the President, who introduced him to the convention.

His Excellency then delivered his message.

At the conclusion of the Governor's address, on motion of Mr. Warren, the joint convention dissolved and the Council withdrew.

Council assembled, Mr. President in the chair.

Roll called—absent, Messrs. Warren and Stapleton.

A communication was received from the Governor, announcing the appointment of George Callaway as his Private Secretary.

On motion of Mr. Beck, the following resolution was adopted :

Resolved, That the Secretary of the Territory be requested to have one thousand copies of the Governor's Message printed for the use of the members of the Council.

Mr. Collins, from the Committee to prepare Rules for the Council, reported, recommending the adoption of the Rules of the Council of the Fifth and Sixth Assemblies.

Which was adopted.

Mr. Collins, from the Committee to prepare Joint Rules, reported, recommending the adoption of the joint rules of the Assemblies of the Fifth and Sixth Sessions.

Which was adopted.

On motion of Mr. Collins, leave of absence was granted to Mr. Mitchell for two days.

On motion of Mr. Owen, Mr. Beck was appointed President, *pro tem*.

On motion of Mr. Collins, the Council adjourned until to-morrow morning at 10 o'clock.

FOURTH DAY.

December 7, 1871.

Council met, pursuant to adjournment, Mr. President, *pro tem*., in the chair.

Minutes of yesterday read and adopted.

Roll called—absent, Mr. Warren; absent on leave, Mr. Mitchell.

A communication was received from the Secretary of the Territory, in response to a resolution of the Council, concerning the printing of the Governor's Message, stating that he is prohibited from printing more than one thousand copies of said message at the expense of the United States; that he has already had that number printed and Council will be supplied with their proper proportion of that number.

Mr. Owen introduced Council Joint Resolution No. 1, To supply members of the Assembly with copies of the territorial newspapers. Read first time, rules suspended, considered, engrossed, read a second and third time by its title, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, and Stuart—10.

Nay—Mr. Fisher—1.

Mr. Laurence offered the following resolution,
Which was adopted.

Resolved, That the Sergeant-at-Arms be required to open the door in the rear of the Council Chamber, and effect a passage through the same for the convenience of the members of the Council.

Mr. Bullock gave notice of the introduction of "An Act to repeal an Act entitled 'An Act to amend an Act providing for increased compensation to officers in this territory;'" also, "An Act to prevent Chinamen from acquiring or holding any interest in real estate or mining claims in the territory of Montana."

Mr. Bullock offered the following resolution :

Resolved, That a committee of three be appointed by the President to ascertain the number of miles travelled by each member and attaché of the Council. Which was adopted, and Messrs. Owen, Bullock, and Collins, were appointed such committee.

Mr. Collins offered the following resolution, which was adopted.

Resolved, That the hour of daily meeting of the Council be fixed at 10 o'clock, A. M., until further ordered.

The special order was taken up, and Mr. Fisher moved the indefinite postponement of the question, which was lost by the following vote :

Ayes—Messrs. Bullock, Fisher, Howe, and Laurence—4.

Nays—Messrs. Beck, Collins, Kinney, Owen, Shoup, Stapleton, Stuart, and Warren—8.

On motion of Mr. Stapleton, the rules were suspended, and Rev. H. H. Prout was elected Chaplain of the Council by acclamation.

On motion of Mr. Kinney, the following resolution was unanimously adopted.

Resolved, That His Excellency the Governor, and the Secretary of the territory, be invited to occupy seats on our floor within the rail, at any time they may wish to be present.

Mr. Owen moved that the office of paper folder and post office be created, which was lost by the following vote :

Ayes—Messrs. Beck, Howe, Owen, and Warren—4.

Nays—Messrs. Bullock, Collins, Fisher, Kinney, Laurence, Shoup, Stapleton, and Stuart—8.

Mr. Collins gave notice of the introduction of "An Act making county taxes payable in county warrants," also, "An Act to amend the election laws."

On motion of Mr. Collins, the following resolution was unanimously adopted.

Resolved, That the Editor of *The Montana* be invited to occupy a seat on the floor of the chamber within the rail, at such times as he may wish to be present.

On motion of Mr. Warren, the Council adjourned.

FIFTH DAY.

December 8, 1871.

Council met, pursuant to adjournment, President, *pro tem.*, in the chair.

Roll called—quorum present; absent, Mr. Warren; absent on leave, Mr. Mitchell.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Stuart gave notice of the introduction of "An Act Supplemental to 'An Act relating to the killing of game.'" Also of an act entitled "An Act changing the boundary between Deer Lodge and Beaver Head Counties."

Mr. Beck gave notice of the introduction of "An Act to amend 'An Act defining the duties of county treasurers, and the payment of county warrants,' approved November 9, 1867."

Mr. Fisher gave notice of the introduction of an act to amend "An Act relative to elections," approved January 17, 1865.

Mr. Bullock gave notice of the introduction of "An Act to reduce the fees of officers, jurors, and witnesses in the territory of Montana."

Mr. Collins gave notice of the introduction of "An Act prescribing the manner of contesting the election of county officers."

Mr. Collins offered the following resolution, which was adopted:

Resolved, That the Secretary of the territory be requested to furnish to the Council one hundred copies each of the rules of the Council and House of Representatives, as adopted by the two Houses.

A communication from the House, Ben Ezekiel, Chief Clerk, was received, announcing that C. J. R. No. 1 had passed the House

with amendments. Also that Mr. Searles had given notice in the House of the introduction of a bill in relation to common schools.

Mr. Collins moved to concur in House amendments to C. J. R. No. 1, which was lost by the following vote:—

Ayes—Messrs. Beck, Collins, Laurence, and Owen—4.

Nays—Messrs. Bullock, Fisher, Howe, Kinney, Shoup, Stapleton, and Stuart—7.

Absent, Mr. Warren; absent on leave, Mr. Mitchell.

On motion of Mr. Fisher, a committee of two, Messrs. Fisher and Owen, was appointed to confer with a like committee from the House on C. J. R. No. 1.

Mr. Laurence offered the following C. J. R. No. 2:—

Resolved by the Council, the House concurring, That a joint committee of one from each House be appointed to call upon the Commission created by C. J. R. No. 2, passed January, 1870, for the purpose of revising and codifying the general laws of this territory, and request an immediate report to the Legislative Assembly of the result of their labors. Read first time, rules suspended, considered engrossed, read second and third time, by its title, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, and Stuart—11.

Absent, Mr. Warren; absent on leave, Mr. Mitchell.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—absent, Messrs. Collins, Shoup, and Warren.

The President then announced the Standing Committees, as follows:—

Judiciary—Warren, Laurence, Stapleton, Beck, and Fisher.

Ways and Means—Kinney, Stuart, Collins, Howe, and Warren.

Internal Improvements—Stapleton, Stuart, Bullock, Shoup, and Kinney.

Public Lands—Fisher, Howe, Bullock, Owen, and Collins.

Federal Relations—Beck, Laurence, Stapleton, Warren, and Fisher.

Incorporations—Shoup, Howe, Bullock, Fisher, and Collins.

Agriculture and Manufactures—Stuart, Howe, Owen, Fisher, and Bullock.

Elections—Beck, Collins, Shoup, Bullock, and Warren.

Indian Affairs—Owen, Kinney, Collins, Beck, and Howe.

Mines and Minerals—Stapleton, Shoup, Laurence, Kinney, and Collins.

Education—Collins, Stuart, Laurence, Howe, and Owen.

Towns and Counties—Bullock, Shoup, Owen, Fisher, and Kinney.

Military Affairs—Laurence, Owen, Kinney, Shoup, and Howe.

Engrossment—Howe, Beck, Bullock, Laurence, and Stuart.

Enrolment—Collins, Stapleton, Fisher, Owen, and Howe.

Printing—Warren, Owen, Laurence, Beck, and Collins.

On motion of Mr. Warren, the following committee was added to the list:—

Immigration—Stuart, Stapleton, Laurence, Beck, and Fisher.

Mr. Collins introduced C. J. R. No. 3, to provide for the payment of the officers, *pro tem.*, of the two Houses, under the temporary organization. Read first time, rules suspended, read second and third times, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—13.

Nays—None.

Title agreed to.

On motion of Mr. Collins, the Governor's message was referred to a special committee of three, Messrs. Collins, Warren, and Owens, with authority to refer each division of the same to the appropriate committees.

A communication from the House, through Mr. Ezekiel, Chief Clerk, announced that the following notices of the introduction of bills in the House had been given.

By Mr. Vivion—"An Act to amend 'An Act concerning attorneys and counsellors at law.'"

By Mr. Williams—"An Act to prevent children under certain ages from entering saloons and gambling-houses."

By Mr. Puett—"An Act to regulate county warrants."

By Mr. Lowry, of Lewis and Clarke—"An Act amendatory of 'An Act concerning conveyances.'"

By Mr. Jordan—"An Act to prohibit bulls from running at large at certain seasons of the year."

On motion of Mr. Collins the Council adjourned.

SIXTH DAY.

December 9, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

The Special Committee on the Reference of the Governor's Message reported, and recommended its reference as follows:

The portion relating to the reports of the Register of the U. S. Land Office, at Helena, and of the Surveyor General's Office of Montana, to Committee on Public Lands.

The portion relating to territorial finance, to Committee on Ways and Means.

The portion relating to revenue law and license tax, to Judiciary Committee.

The portion relating to the account of the late Territorial Treasurer, to a Special Committee of Three, to be appointed by the President.

The portion relating to extra compensation of officers, to a Committee of the Whole House.

The portion relating to fees of clerks of courts and county officers, to Judiciary Committee.

The portion relating to County Treasurer and Commissioners, to Committee on Ways and Means.

The portion relating to statistics, to Emigration Committee.

The portion relating to territorial convicts, to Committee on Internal Improvements.

The portion relating to ordnance, to Military Committee.

The portion relating to Indians and Stevens Treaty, to Committee on Indian Affairs.

The portion relating to schools; to Committee on Education.

The portion relating to Montana Indian war claims, to Committee on Federal Relations.

The portion relating to the insane, to a Select Committee of Three, to be appointed by the President.

The portion relating to the deaf and dumb, to Committee on Education.

The portion relating to codification of the laws, to the Judiciary Committee.

The portion relating to the Supreme Court and to certificates, to the Judiciary Committee.

The portion relating to the Northern Pacific Railroad, to Internal Improvement Committee.

The portion relating to the mining interest, to Committee on Mines and Minerals.

The report was adopted and the committee discharged.

The Special Committee on Mileage of Members and Attachés, reported number of miles for which members and attachés are entitled to receive pay, as follows: Beck, 180; Bullock, 260; Collins, 340; Fisher, 320; Howe, 350; Kinney, none; Laurence, 260; Mitchell, 360; Owen, 590; Shoup, 140; Stapleton, 120; Stuart, 360; Warren, none; Arick, 260; Carpenter, none; Wilkinson, 260; Dickinson, 360; Thompson, 150; Geer, 270; Cadigan, none; Johnson, none; Barber, none; Prout, none.

The report was received, adopted, and committee discharged.

A communication was received from the Governor, through George Callaway, Private Secretary, transmitting the reports of the Territorial Auditor, Territorial Treasurer, and Commissioners of Insane.

A communication was received from the House, through Mr. English, Chief Clerk, announcing that notices of the introduction of bills had been given as follows:—

By Mr. Smith—"An Act relating to Justices of the Peace."

By Mr. Poindexter—"An Act exempting certain classes of stock from taxation."

By Mr. Johnson—"An Act to amend 'An Act concerning stallions.'"

By Mr. McCabe—"An Act relating to mines and prospectors."

Also, that the House had appointed Messrs. Johnson and Searles as a Conference Committee on C. J. R. No. 1.

Also, that C. J. R. No. 3 had passed the House, and that Mr. Lowry, of Lewis and Clarke, had introduced H. J. R. No. 2, to appoint a Committee of Three to act with a like committee of the Council, to provide for the printing of the Auditor's and Treasurer's Reports.

On motion of Mr. Collins, the Council went into a Committee of the Whole on that portion of the Governor's message relating to "extra compensation of officers," Mr. Laurence in the chair.

Council resumed, Mr. President in the chair.

Mr. Laurence, Chairman of the Committee of the Whole, reported, recommending that portion of the message relating to extra compensation to the Committee on Federal Relations, with instructions to report a joint memorial to Congress in regard to the subject, asking of that body an increase of the amount allowed by the United States to members of the Legislature and Territorial officers. Report adopted.

Mr. Beck introduced C. B. No. 1, "An Act defining the duties of County Treasurers and the payment of county warrants." Read first and second times, and referred to the Committee on Ways and Means.

Mr. Laurence, by leave, introduced C. B. No. 2, "An Act for the relief of W. L. Steel." Read first and second times, and referred to the Judiciary Committee.

Mr. Warren introduced C. J. R. No. 4, authorizing certain committees to employ clerks. Read first and second times, and referred to Committee on Ways and Means.

On motion of Mr. Warren, a Committee of Two—Messrs. Warren and Fisher—was appointed to confer with the Secretary, and

ascertain if committee rooms have been provided for the use of this body.

The Auditor's and Treasurer's reports were taken up, Mr. Owen in the chair.

Reports read, and referred to the Committee on Ways and Means.

On motion of Mr. Beck, a call of the Council was ordered. Absent, Messrs. Mitchell and Warren. The Sergeant-at-arms reported the absentees in their seats, and a further call was dispensed with.

Mr. President in the chair. The report of the Commissioners of the Insane was taken up, and, on motion of Mr. Beck, was referred to a Special Committee of Four—Messrs. Stuart, Beck, Howe, and Stapleton.

Mr. Fisher offered a resolution providing for posting a list of standing committees in the chamber.

On motion of Mr. Collins, the resolution was amended so as to request the Secretary to have fifty copies of said list printed for the use of this body. The resolution as amended was adopted.

The chair announced Messrs. Warren, Fisher, and Beck, as Select Committee to report on that portion of the Governor's message relating to the accounts of the late Territorial Treasurer.

The Special Committee appointed to confer with the Secretary in relation to a committee room, reported the Secretary's reply: That he had a committee room ready for the Council Committee.

Report accepted and committee discharged.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—absent, Messrs. Beck, Lawrence, Owen, and Warren.

Mr. Kinney, Chairman Committee on Ways and Means, reported back C. J. R. No. 4, with a recommendation that it do pass.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, informing the Council of the following notices of the introduction of bills having been given in the House.

By Mr. Lowry, of Lewis and Clarke—"An Act relating to conspiracies and forestalling."

By Mr. Vivion—"An Act to amend 'An Act relating to counties and county officers.'"

By Mr. Tripp—"An Act relating to quartz lodes and the developing of the same."

By Mr. Williams—"An Act to provide for the exemption of mining claims from forced sale upon execution or other final process."

Also, that C. J. R. No. 2 had passed the House.

Also, that Mr. Jordan has introduced House Bill No. 1, "An Act to repeal 'An Act in relation to trout fishing.'"

Also, that Mr. Vivion had introduced H. B. No. 2, "An Act to amend 'An Act concerning attorneys and counsellors at law.'"

Also, that Mr. Lowry, of Lewis and Clarke, had introduced H. B. No. 3, "An Act amendatory of 'An Act concerning conveyances.'"

Also, that the Speaker had appointed on Joint Committee on Enrolled Bills, Messrs. Searles and Jordan.

C. J. R. No. 4 was then taken up, read second and third times, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—11.

Nays—None.

The Chairman of the Judiciary Committee, Mr. Warren, reported back C. B. No. 2, "An Act for the relief of W. L. Steele," recommending its passage. Report adopted. Read second time, considered engrossed, read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Messrs. Owen and Fisher, from Conference Committee on C. J. R. No. 1, reported, recommending that the word "eight" be stricken out of line 12, and the word "six" be inserted in lieu thereof. Report adopted and committee discharged.

The following notices of the introduction of bills were given:—

By Mr. Laurence—"An Act in relation to Notaries Public."

By Mr. Bullock—"An Act to provide for additions to the Law Library of Montana."

By Mr. Fisher—"An Act to punish certain offences."

By Mr. Owen—"An Act to increase the pay of Probate Judge and Superintendent of Public Instruction."

By Mr. Warren—"An Act to provide for the care and custody of the Law Library of the territory."

Mr. Bullock introduced C. B. No. 3, "An Act to repeal 'An Act to provide increased compensation to officers of this territory,' approved January 16, 1869." Read first time, and referred to Committee on Federal Relations.

Mr. Fisher introduced C. B. No. 4, "An Act to amend 'An Act relating to elections.'"

Referred to Committee on Elections.

C. J. R. No. 1 was taken up and passed as amended by Conference Committee, by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

On motion of Mr. Warren, Mr. Owen was added to the Special Committee on the Accounts of the late Territorial Treasurer.

On motion of Mr. Collins, the Council adjourned until Monday morning, December 11, at 10 o'clock, A. M.

EIGHTH DAY.

December 11, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of Saturday read and approved.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing that the notices for the introduction of the following bills had been filed in the House:—

By Mr. Searles—"An Act in relation to funding the debt of Montana."

Also, "An Act to encourage immigration to Montana."

By Mr. Ralston—"An Act to prevent hogs from running at large."

Also, that H. J. R. No. 2, and C. B. No. 2, have passed the House.

And that the Speaker had appointed Messrs. Jordan, Vivion, and Lowry, of Lewis and Clarke, on Joint Committee on Revenue Law.

Mr. Laurence gave notice of the introduction of "An Act to amend the laws concerning limitation."

Mr. Owen gave notice of the introduction of "An Act authorizing County Commissioners to purchase toll bridges and open avenues through the territory."

The following bills were introduced:—

By Mr. Stuart—C. B. No. 5, "An Act in relation to the killing of game and catching of fish." Read first time, rules suspended, read second time, and referred to Committee on Indian Affairs.

By Mr. Laurence—C. B. No. 6, "An Act in relation to notaries public." Read first time.

By Mr. Warren—C. B. No. 7, "An Act to provide for the care and custody of the Law Library of Montana Territory." Read first time, rules suspended, read second time, and referred to Committee on Ways and Means.

By Mr. Fisher—C. B. No. 8, "An Act to provide for the punishment of certain offences therein named." Read first time, rules suspended, read second time, and referred to Committee on Education.

By Mr. Stuart—C. B. No. 9, "An Act to define the boundary line of Deer Lodge County." Read first time, rules suspended, read second time, and referred to Committee on Towns and Counties.

Mr. Stuart, under suspension of the rules, presented a petition

signed by J. L. Burnelle and fifty-five others, in support of the bill, which was read and referred with the bill.

On motion of Mr. Warren, the Chief Clerk was directed to furnish the chairman of each committee with a written statement of the business referred to each committee, daily.

H. J. R. No. 2, in relation to printing, was taken up, read first time, rules suspended, read second time, and referred to Committee on Ways and Means.

Mr. President appointed Messrs. Kinney, Bullock, and Laurence on Special Joint Committee on the Revenue and License Laws.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

Committee on Ways and Means reported a substitute for H. J. R. No. 2. Which was passed.

Committee on Engrossment reported C. J. R. correctly engrossed. Report adopted.

By leave, Mr. Bullock introduced C. B. No. 10, "An Act to provide additions to the Law Library of the territory." Read first time, rules suspended, read second time, and referred to Committee on Education.

The following notices of the introduction of bills were given:—

By Mr. Collins—"An Act to provide for the registration of births and deaths."

By Mr. Beck—"An Act to regulate roads, cartways, and bridges."

By Mr. Warren—"An Act to amend 'An Act relating to counties and county officers,' approved February 9, 1865."

On motion of Mr. Beck, an additional standing committee was ordered on Roads and Highways.

Mr. Warren introduced C. J. R. No. 5, to provide additional committee rooms for the Legislative Assembly. Read first time,

rules suspended, and read second time; read third time, and passed by the following vote:

Ayes—13.

Nays—None.

Council adjourned until 10 o'clock, to-morrow.

NINTH DAY.

December 12, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Kinney, Chairman of the Committee on Ways and Means, reported C. B. No. 7, "An Act to provide for the care and custody of the Law Library, with amendment." Report adopted.

The following notices of the introduction of bills were given:

By Mr. Warren—"An Act to establish the fees of the Clerk of the Supreme Court of the Territory of Montana."

By Mr. Bullock—"An Act in relation to brands and marks."

By Mr. Fisher—"An Act to repeal an Act entitled 'An Act to provide increased compensation to officers in the territory of Montana,' approved January 24, 1865."

By Mr. Collins—"An Act defining the duties of County Treasurers."

The following bills were introduced:

By Mr. Laurence—C. B. No. 11, "An Act to amend an Act entitled 'An Act concerning limitations,' and an Act amendatory thereto." Read first time, rules suspended, read second time, by its title, and referred to Judiciary Committee.

By Mr. Bullock—C. B. No. 12, "An Act regulating the fees of officers, jurors, and witnesses." Read first time, rules sus-

pended, read a second time, by title, and referred to Judiciary Committee.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing that notices of the introduction of several bills had been given, and that C. J. R. No. 1, as amended by Conference Committee, C. J. R. No. 4, with amendments, C. J. R. No. 5, and Council substitute for H. J. R. No. 2, had passed the House.

On motion, the House amendments to C. J. R. No. 4 were concurred in, and the resolution as amended was passed by the following vote :

Ayes—13.

Nays—None.

C. B. No. 6, in relation to Notaries Public, was taken up, read second time, and referred to Judiciary Committee.

Mr. Warren, on behalf of the Code Commission, made a partial report, which was accepted, and, on motion of Mr. Laurence, was referred to a joint committee, consisting of the Judiciary Committee of the two Houses.

Mr. Collins, Chairman of the Enrolling Committee, reported C. J. R. Nos. 2 and 3 correctly enrolled.

The President appointed Messrs. Collins and Fisher on Joint Committee on Enrolment.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

The President announced the following Committee upon Roads and Highways:—Messrs. Beck, Owen, Howe, Stapleton, and Fisher.

On motion of Mr. Stapleton, a joint committee of two, Messrs. Owen and Laurence, was appointed to act with a like committee from the House, to examine into the condition of the arsenal, and report the condition thereof to the Legislative Assembly.

Mr. Owen offered the following resolution:—

Resolved, That a Committee of Retrenchment and Reform be

added to the standing committees of the Council. Referred to the Committee on Indian Affairs.

By leave, Mr. Beck introduced C. B. No. 13, "An Act in relation to roads, cartways, and bridges." Read first time, rules suspended, read second time, and referred to Committee on Printing.

Mr. Warren gave notice that on to-morrow, or future day, he would move to amend the rules of the Council.

By leave, Mr. Stuart introduced C. B. No. 14, "An Act to provide for the compensation of Newton Dickinson for services rendered the territory of Montana." Read first time, rules suspended, read second time, and referred to Committee on Ways and Means.

Mr. Collins introduced C. B. No. 15, "An Act to provide for the registration of births and deaths." Read first time, rules suspended, read second time, and referred to Committee on Education.

Mr. Kinney gave notice of the introduction of "An Act to regulate proceedings in the Courts of Justice in Montana Territory."

H. B. No. 9, "An Act for the relief of Sample Orr," was taken up, read first time, rules suspended, read a second time, and referred to Judiciary Committee.

On motion of Mr. Laurence, the President appointed Messrs. Stuart, Bullock, and Beck, as a special committee, to act with a like committee from the House, to examine the books of the Territorial Auditor and Treasurer.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing the passage in that body of C. J. R. No. 3.

H. J. R. No. 3 was taken up, read first time, and referred to Committee on Ways and Means.

On motion of Mr. Warren, the Council reconsidered the vote by which the President was authorized to appoint a special committee to examine the Auditor's and Treasurer's books.

The President announced to the Council that he had just signed C. J. R. Nos. 2 and 3.

Mr. Collins, Chairman of the Enrolling Committee, reported Council Joint Resolutions Nos. 2 and 3 correctly enrolled, and that they had been signed by the Speaker of the House and President of the Council, and handed to the Governor for his approval, at 3 o'clock, P. M., of this day.

Council adjourned until 10 o'clock, A. M., to-morrow.

TENTH DAY.

December 13, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

H. B. No. 3 was taken up, read first time, rules suspended, read second time, and referred to Judiciary Committee.

Mr. Warren, Chairman of the Judiciary Committee, reported C. B. No. 11, "An Act to amend an act concerning limitations," with a substitute therefor. Report received and substitute adopted.

The committee to whom was referred that portion of the Governor's Message relating to the accounts of the late Treasurer, asked to be relieved. Report adopted and committee discharged.

The Committee on Ways and Means reported back H. J. R. No. 3, with substitute. Report received and substitute adopted. Referred to Committee on Ways and Means.

The following bills were introduced:—

By Mr. Warren—C. B. No. 16, "An Act to establish the fees of the Clerk of the Supreme Court." Read first and second times, and referred to the Judiciary Committee.

By Mr. Fisher—C. B. No. 17, "An Act to repeal 'An Act to provide increased compensation to officers of the territory of Montana.'" Read first and second times, and referred to the Committee of the Whole.

By Mr. Warren—C. J. R. No. 6, "In relation to printing." Read first and second times, considered engrossed, rules suspended, read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

A communication was received from the Governor, through George Callaway, Private Secretary, announcing the approval of C. J. Resolutions Nos. 2 and 3.

On motion of Mr. Warren, the following substitute for Rule 53 was adopted:—

"No bill, report, resolution, or memorial shall be printed, except it be so specially ordered by a vote of the Council."

Mr. Warren, from Printing Committee, reported back C. B. No. 13, "An Act relating to roads and highways," recommending its reference to a Committee of the Whole. Report adopted.

On motion of Mr. Warren, the Council went into Committee of the Whole, on C. B. No. 13, Mr. Stapleton in the chair.

Council resumed, Mr. President in the chair.

Mr. Stapleton, Chairman of the Committee of the Whole on C. B. No. 13, reported progress, and asked leave to sit again. Report adopted.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—absent, Mr. Owen.

Mr. Collins, Chairman of Enrolling Committee, reported C. J. R. Nos. 1, 4, and 5, C. B. No. 2, and C. substituted for H. J. R. No. 2, correctly enrolled.

On motion of Mr. Warren, under suspension of the rules, all representatives of the territorial newspapers were accorded the privilege of this chamber.

Mr. Kinney, Chairman of the Committee on Ways and Means, reported a substitute for H. J. R. No. 3. Substitute adopted. Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney,

Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—13.

Nays—None.

Mr. Stuart, by leave, introduced C. B. No. 18, "An Act to amend an Act relating to counties and county officers." Read first and second times, and referred to Committee on Towns and Counties.

On motion of Mr. Warren, the Council went into the Committee of the Whole, to consider C. B. No. 13, "An Act in relation to roads, cartways, and bridges," Mr. Stapleton in the chair.

Council resumed, Mr. President in the chair.

Mr. Stapleton, from Committee of the Whole, reported C. B. No. 13, with amendments. Report adopted, and bill, with amendments, ordered engrossed.

A communication from the House, through Mr. Ezekiel, Chief Clerk, announced the introduction of several bills.

A communication from the House, through Mr. Word, Assistant Clerk, announced the passage in the House of C. J. R. No. 6.

The President appointed Messrs. Owen, Fisher, Beck, and Warren, a Joint Committee to examine the Auditor's and Treasurer's books.

A communication was received from the ladies of Virginia City, and on motion of Mr. Stapleton, the use of the Council Chamber was tendered them for Tuesday evening next. And Messrs. Owen, Stapleton, Beck, Warren, Bullock, and Kinney were appointed a committee to inform the ladies of the action of the Council.

Mr. Stuart gave notice of the introduction of a bill to amend the revenue laws.

Council adjourned until to-morrow morning, at 10 o'clock.

ELEVENTH DAY.

December 14, 1871.

Council met pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

A communication was received from the House, through Chief Clerk Ezekiel, announcing the introduction of several bills.

The Judiciary Committee reported back C. B. No. 6, "An Act in relation to notaries public," with substitute. Substitute adopted, and read first time.

The Judiciary Committee reported back House bill No. 3, "An Act in relation to acknowledgment of conveyances," with substitute. Substitute adopted. Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Mr. Stapleton gave notice of the introduction of a bill to authorize the Territorial Auditor to issue duplicate warrants in certain cases.

Mr. Bullock introduced C. B. No. 19, "An Act to prevent Chinamen from acquiring any interest in real estate and mining claims, in the territory of Montana." Read first and second times, and referred to Committee on Federal Relations.

Mr. Stuart introduced C. B. No. 20, "An Act to amend an Act entitled 'An Act providing for the collection of Revenue.'" Read first and second times, and referred to Joint Special Committee on Revenue Laws.

Mr. Fisher offered the following resolution, which was adopted:—

Resolved, That on the first reading of bills by the Chief Clerk, if figures appear in the body of the said bill, that all bills of this

nature shall be returned to the introducer to amend said bill by striking out said figures, and that they be written in letters to correspond: *Provided, however*, that nothing in this resolution shall be construed so as to affect the date of the month or year when it may be necessary for said date to be written.

House Bill No. 2, "An Act to amend 'An Act concerning Attorneys and Counsellors at Law,'" was taken up, read first and second times, and referred to Judiciary Committee.

C. B. No. 7, "An Act to provide for the care and custody of the Law Library of the territory of Montana," was taken up.

Mr. Fisher moved to make the vote on the bill the special order for to-morrow, at 2 o'clock, P. M., which was lost by the following vote:—

Ayes—Messrs. Bullock, Fisher, and Howe—3.

Nays—Messrs. Beck, Collins, Kinney, Laurence, Owen, Stapleton, Stuart, Shoup, Warren, and Mr. President—10.

C. B. No. 7 was then read a third time, and passed by the following vote:—

Ayes—Messrs. Beck, Collins, Fisher, Howe, Kinney, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—11.

Nays—Messrs. Bullock and Laurence—2.

Title agreed to.

Mr. Fisher gave notice that he would, on to-morrow, at 2 o'clock, P. M., move to reconsider the vote by which C. B. No. 7 passed the Council.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

C. B. No. 11, "An Act to amend 'An Act concerning limitations, and an Act amendatory thereto,'" was taken up, read three times, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

C. B. No. 6, "An Act in relation to notaries public," was taken up, read a third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing notices, and that introduction of bills, and that H. B. No. 2, and Council substitute for H. J. R. No. 3, have passed the House.

The Council went into Committee of the Whole to consider C. B. No. 17, "An Act to repeal 'An Act to provide increased compensation to officers of the territory of Montana,'" Mr. Collins in the chair.

Council resumed, Mr. President in the chair.

A communication was received from the House, through Assistant Clerk Word, announcing the rejection of Council Substitute for H. B. No. 3, "An Act amendatory of 'An Act concerning conveyances.'"

On motion of Mr. Laurence, the Chairman of the Committee of the Whole was granted until to-morrow morning, at 10 o'clock, to make his report.

H. B. No. 13, "An Act authorizing the County Commissioners of Missoula County to levy a special tax for the purpose of building, buying, and repairing bridges," was taken up, read first and second times, and referred to Committee on Towns and Counties.

On motion of Mr. Laurence, the Council adjourned until to-morrow morning, at ten o'clock.

TWELFTH DAY.

December 15, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

A communication was received from the House, through Mr. Word, Assistant Clerk, returning C. B. No. 11, for endorsements.

The Chairman of the Committee on Ways and Means reported C. B. No. 1, "An Act defining the duties of County Treasurers, and the payment of county warrants," with a recommendation that it do not pass. Report received.

On motion of Mr. Kinney, Mr. Stuart was added to the Joint Select Committee to consider the Revenue Laws.

Mr. Collins, from the Committee of the Whole, reported C. B. No. 17, "An Act to repeal 'An Act to provide increased compensation to the officers of the territory of Montana,'" approved January 24, 1865, with a recommendation that C. B. No. 3, "An Act to amend 'An Act to provide increased compensation to the officers of this territory,'" approved January 16, 1869, be taken from the Committee on Federal Relations and referred with C. B. No. 17, to the Committee of Ways and Means.

On motion of Mr. Beck, C. B. No. 1, "An Act defining the duties of County Treasurers, and the payment of county warrants," was referred to the Committee on Internal Improvements.

On motion of Mr. Laurence, C. B. No. 1, "An Act to amend 'An Act concerning limitations,'" and "An Act amendatory thereto," was ordered re-engrossed.

The following notices of the introduction of bills were given:—

By Mr. Laurence—"An Act for the protection of the rights of married women."

By Mr. Fisher—"An Act to provide for the punishment of embezzlement of public moneys or property."

Mr. Kinney introduced C. B. No. 2, "An Act to amend 'An Act to regulate proceedings in civil cases in the Courts of Justice of Montana Territory,' approved December 28, 1867." Read first and second times, and referred to the Judiciary Committee.

H. B. No. 3, and Council substitute therefor, were taken up and referred to a Conference Committee, consisting of Messrs. Warren and Laurence, on the part of the Council.

Mr. Collins, from Committee on Enrolment, reported Council Substitute for H. J. R. No. 3 correctly enrolled.

Mr. Warren offered the following resolution:—

Resolved, That if any member shall so far neglect or fail to perform the duties imposed upon him by his oath of office, and by Rule No. 22 of the Council, as not to endorse upon each bill introduced by him the title thereof, and his own name, the Chief Clerk shall supply such deficiency at the cost of such member, the same to be collected as other costs. Which resolution was lost by the following vote :

Ayes—Messrs. Beck, Owen, Shoup, and Stuart—4.

Nays—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Laurence, Stapleton, and Warren—8.

Absent, Mr. President.

Mr. Warren gave notice that on to-morrow he would move to reconsider the vote by which the resolution was rejected.

Mr. Stuart offered a resolution to have certain Council bills printed. Pending action thereon the Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. Beck, President, *pro tem.*, in the chair.

Roll called—absent, Mr. Warren and Mr. President.

Mr. Fisher called for the reading of a certain letter of Hon. J. E. Callaway for information, and, in accordance with former notice, moved a reconsideration of the vote by which Council Bill No. 7, relating to the care and custody of the Law Library, was passed, which was carried by the following vote :—

Ayes—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, and Stuart—10.

Nay—Mr. Beck—1.

Absent, Mr. Warren and Mr. President.

On motion of Mr. Fisher, the bill was then laid on the table.

On motion of Mr. Stuart, the Council adjourned.

THIRTEENTH DAY.

December 16, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

A communication was received from the House, through Mr. Ezekeil, Chief Clerk, announcing the introduction of sundry bills, and informing the Council that Messrs. Jordan and McCabe have been appointed on Conference Committee on H. B. No. 3, and Council substitute therefor.

Mr. Owen, from Committee on Indian Affairs, reported back Council Bill No. 5, in relation to game and fish, recommending its passage.

Mr. Stapleton, Chairman of the Committee on Internal Improvements, reported as follows:

Mr. President:—Your Committee on Internal Improvements, to whom was referred C. B. No. 1, "An Act defining the duties of County Treasurers and the payment of county warrants," have had the same under consideration, and beg leave to report as follows: That, in the opinion of this committee, the present law, sought to be repealed by the provisions of this act, has, by its practical working and results, proven the prudence and wisdom of its provisions, and has resuscitated the fast declining credit of the different counties in the territory, and in a short space of time has raised the price of county warrants in the market from one hundred to three hundred per cent. It has sustained and strengthened the county treasury, bearing equally on all and doing injustice to none. It allows any one serving the county in any capacity, and receiving warrants therefor, to pay their taxes with the same, and only prevents those from paying taxes with warrants who would speculate in county paper, by buying warrants at greatly reduced rates to turn into the county treasury in

lieu of money. The provision allowing County Commissioners to set apart, as a contingent fund, a certain per cent. of the moneys paid in, has saved the counties thousands of dollars, enabling them to pay money for necessary expenditures instead of issuing warrants at from fifteen to fifty cents on the dollar, as they had to do before its passage.

Your committee, therefore, do not deem it wise or advisable to repeal or abandon a law, the good effects of which are so apparent, for one of at least doubtful policy. Your committee, therefore, report said bill back with the recommendation that it do not pass.

Report received and the bill laid on the table.

The following notices of the introduction of bills were given:—

By Mr. Bullock—"A bill providing for licensing houses of prostitution."

By Mr. Collins—"A bill to revise Section 3 of the election law," approved January 17, 1865.

Mr. Fisher introduced C. B. No. 22, "An Act providing for the punishment of embezzlement of public moneys or property." Read first and second times, and referred to the Printing Committee, with instructions to have one hundred copies printed.

C. B. No. 5, "An Act relating to the killing of game and the catching of fish," was taken up, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—13.

Nays—none.

Title agreed to.

On motion of Mr. Beck, the Council proceeded to the election of an Assistant Engrossing Clerk. Mr. W. F. Kirkwood was elected by acclamation, and sworn in by the President.

By leave, Mr. Stuart withdrew his resolution in relation to printing, for the purpose of offering a substitute.

Mr. Warren, in pursuance of previous notice, moved the reconsideration of the vote by which the resolution in relation to Rule No. 22 was rejected.

On motion of Mr. Stapleton, the motion to reconsider was laid on the table.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

Mr. Collins, from the Committee on Education, reported back C. B. No. 10, to provide for addition to the Law Library, recommending that it do not pass.

Mr. Owen, Chairman of Joint Committee on Auditor's and Treasurer's Account, reported that the committee had organized and adjourned until Monday next.

Mr. Stuart offered the following resolution:—

Resolved, That all bills of a general nature, after being acted upon by the committee, to whom they may be referred, and after being engrossed, be submitted to a vote of the Council, as to whether they be ordered printed or not; which was laid over under the rules.

A communication was received from the House, through Chief Clerk Ezekiel, announcing the passage of House Bills Nos. 5 and 7.

Mr. President announced that he had just signed Council substitute for H. J. R. Nos. 2 and 3, C. J. R. Nos. 1, 4, 5, and 6, and C. B. No. 2.

H. B. No. 5, "An Act regarding minors, prospectors, and others," read first and second times, and referred to the Committee on Mines and Minerals.

H. B. No. 7, "An Act to amend 'An Act to regulate proceedings in civil cases in the Courts of Justice of Montana Territory,' approved December 23, 1867," was taken up, read first and second times, and referred to the Judiciary Committee.

Council adjourned until Monday morning, at 10 o'clock.

FIFTEENTH DAY.

December 18, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of Saturday read and approved.

Mr. Bullock, from the Committee on Towns and Counties, reported back C. B. No. 9, "In relation to boundaries of Deer Lodge County," with a recommendation that it do pass. Referred to Engrossment Committee.

Mr. Stapleton, from Committee on Mines and Minerals, reported back H. B. No. 8, "An Act relating to mines, prospectors, and others," with a recommendation that it do pass. Read a third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Fisher, Kinney, Laurence, Stapleton, Stuart, Warren, and Mr. President—8.

Nays—Messrs. Beck, Collins, Howe, Owen, and Shoup—5.

Title agreed to.

Mr. Fisher moved a reconsideration of the vote by which the bill passed. Motion lost.

Mr. Howe, from Committee on Engrossment, reported C. B. No. 13, "An Act in relation to roads, cartways, and bridges," correctly engrossed.

Mr. Collins gave notice of the introduction of a bill to amend Section 3, of "An Act authorizing County Commissioners to fund county debt."

Mr. Collins, from Committee on Enrolment, reported C. B. No. 2, C. J. Rs. Nos. 1, 4, 5, 6, and Council substitute for H. J. Rs. Nos. 2 and 3, presented to the Governor for his approval on the 16th inst., at 3 P. M.

C. B. No. 10, "An Act to provide for additions to the Law Library of the territory of Montana," was taken up and indefinitely postponed.

The following bills were introduced:—

By Mr. Stapleton—C. B. No. 23, "An Act to authorize the issue of duplicate territorial warrants." Read first and second times, and referred to the Judiciary Committee.

By Mr. Collins—C. B. No. 24, "An Act to revive Section 3 of an 'Act in relation to elections,' approved January 17, 1865." Read first and second times, and referred to Committee on Elections.

Mr. Stuart—Resolution to amend Council rules in relation to printing, was taken up and adopted.

The Council adjourned until 10 o'clock, A. M., to-morrow.

SIXTEENTH DAY.

December 19, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

The following communication was received from the Governor:—

EXECUTIVE DEPARTMENT, MONTANA TERRITORY, }
VIRGINIA CITY, December 18, 1871. }

To the Council:—

I have the honor to return to the Council what you are pleased to term a Substitute for H. J. R. Nos. 2 and 3, without my signature. Clearly, under parliamentary law, these papers cannot, after they have the sanction of both Houses, be termed substitutes; but must be either H. J. Rs. or C. J. Rs.

The fact that these papers are presented to me as substitutes, naturally conveys the impression that neither has been adopted by the two Houses; for after a substitute or amendment has been adopted, it can no longer be an amendment or substitute. My objection is to the form, and not to the substance, of the resolutions.

Respectfully,

B. F. POTTS,

Governor.

On motion of Mr. Fisher, the vote by which the title of "Substitute for H. J. R. No. 2" was agreed to, was reconsidered.

On motion of Mr. Warren, the title of said resolution was amended, by striking out the words "Substitute for," and title as amended agreed to.

"Substitute for H. J. R. No. 3" was taken up, and on motion of Mr. Collins, the vote by which the title was agreed to was reconsidered; the words "Substitute for" were stricken out, and the title as amended was agreed to.

A communication was received from the Governor, announcing his approval of C. B. No. 2, "An Act for the relief of W. L. Steel," and C. J. R. No. 5, "To provide room for the Assembly."

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing notices, and the introduction of bills, and that H. B. No. 14, "An Act to encourage the introduction of blooded stock," had passed the House.

The following communication was received from the Governor:—

EXECUTIVE DEPARTMENT, M. T., }
VIRGINIA CITY, Dec. 19, 1871. }

To the Council:—

I have the honor to return you C. J. R. No. 1, without my signature.

The first communication I had the honor to address the honorable Legislative Assembly, I took occasion to state, that, in my opinion, the granting of extra compensation to certain officers of the National Government, and members of the Legislative Assembly, out of the territorial treasury, was wrong in principle, and should be no longer continued. I still adhere to that opinion.

You have in your wisdom been pleased to retain the law granting an extra compensation out of the territorial treasury, of twelve dollars per day to each member of the Legislative Assembly, which sum, with an additional per diem of four dollars paid by the United States, is certainly ample to enable members to pay for the newspapers named in the resolution, and have double the per diem left than that paid the members of the Legislatures of the most of the populous and wealthy States. The expenditure of this Resolution will not fall below twelve hundred dollars. This amount may appear insignificant to some, but it will not appear so to the people, whose taxes must annually increase to meet the rapid increase of expenditures.

I withhold my signature to this resolution through no factious spirit, but simply in the performance of my duty, as I see it.

Respectfully,

B. F. POTTS,

Governor.

C. J. R. No. 1, together with the objections of the Governor, were taken up, and, on motion, the vote by which the resolution passed was reconsidered. Upon the question, "Shall the resolution pass, the objections of the Governor to the contrary notwithstanding,"

standing?"—C. J. R. No. 1 passed the Council by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Howe, Kinney, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—11.

Nays—Messrs. Fisher and Laurence—2.

More than two-thirds of the members of the Council having agreed to pass the resolution, the objections of the Governor to the contrary notwithstanding, the President declares the same duly passed by the Council.

Mr. Bullock, from the Committee on Towns and Counties, reported C. B. No. 18, "An Act in relation to counties and county officers," with recommendation that it do pass. Bill ordered engrossed.

Mr. Warren, of the Judiciary Committee, reported back H. B. No. 2, "An Act to amend an Act concerning attorneys and counsellors-at-law," approved Jan. 12, 1865, with amendments. Amendments adopted. Bill, as amended, adopted. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, and Warren—11.

Nays—Mr. Collins and Mr. President—2.

Title agreed to.

Mr. Warren, Chairman of Judiciary Committee, reported back C. B. No. 21, "An Act to amend an Act entitled 'An Act to regulate proceedings in civil cases in the courts of Justice of Montana Territory,'" recommending its passage. Bill read a third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Mr. Warren, from Judiciary Committee, reported back H. B. No. 7, "An Act to amend an Act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of Montana Territory,'" recommending its passage. Read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Mr. Warren, from Judiciary Committee, reported C. B. No. 23, "An Act to authorize the issue of duplicate territorial warrants, with amendments." Bill recommitted.

Mr. Howe, Chairman of the Engrossment Committee, reported C. B. No. 5, "An Act relating to the killing of game and the catching of fish," correctly engrossed.

H. B. No. 14, "An Act to encourage the introduction of blooded stock," was taken up, read first and second times, and referred to the Committee on Agriculture.

C. B. No. 7, in relation to Law Library, was taken from the table, with accompanying letter, and referred to Committee on Federal Relations.

Mr. Warren gave notice of a bill in relation to general elections.

By leave, Mr. Collins introduced C. B. No. 25, "An Act to amend 'An Act to authorize the County Commissioners of the several counties of the territory of Montana to fund the debt of their several counties.'" Read first and second times, and referred to Committee on Ways and Means.

Council adjourned until to-morrow morning.

SEVENTEENTH DAY.

December 20, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Minutes of yesterday read and approved.

A communication was received from the House announcing the introduction of bills upon the subject of a lawful fence, elections, funding debt of Montana, terms of Supreme Court, forfeiture of placer mines, and legislative apportionment.

Mr. Howe, from Engrossment Committee, reported back C. B. No. 9, "An Act defining the boundary of Deer Lodge County,"

correctly engrossed. Read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Mr. Stuart, from Committee on Agriculture, reported back H. B. No. 14, "An Act to encourage the introduction of blooded stock," with recommendation that it do pass.

Mr. Howe, Chairman of the Committee on Engrossment, reported C. B. No. 18, "An Act in relation to counties and county officers," correctly engrossed. Read third time, and, on motion of Mr. Warren, referred to Committee on Towns and Counties.

Mr. Stuart, under suspension of the rules, introduced C. B. No. 26, "An Act to amend the election laws of Montana Territory." Read first and second times, and referred to Committee on Elections.

Council adjourned until 10 o'clock, to-morrow.

EIGHTEENTH DAY.

December 21, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing that C. J. R. No. 1 has been reconsidered, and has failed to pass the Governor's veto, by a vote of

Ayes—13.

Nays—8.

Mr. Beck, from Committee on Federal Relations, reported C. J. M. No. 1, "In relation to increase of pay from United States for United States and territorial officers." Read first and second times,

rules suspended, read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Mr. Beck, from same committee, reported back C. B. No. 7, "An Act to provide for the care and custody of the Law Library of Montana Territory," with a recommendation that the same be indefinitely postponed. Bill made special order for 11 o'clock to day.

Mr. Kinney, Chairman of the Committee on Ways and Means, reported back C. B. No. 14, "An Act to provide for the compensation of Newton Dickenson for services rendered the territory of Montana," with amendments. Bill ordered engrossed.

Mr. Kinney introduced C. J. R. No. 7, "Creating Joint Committee of Ways and Means Committees of both Houses." Read first and second times, rules suspended, read third time, and passed.

Ayes—13.

Nays—None.

H. B. No. 14, "In relation to blooded stock," was recommitted to Committee on Agriculture.

A communication was received from the House, through Mr. Word, Assistant Clerk, announcing that H. J. R. No. 4 had passed the House.

Council went into Committee of the Whole on special order, to consider C. B. No. 7, Mr. Owen in the chair.

Council resumed, Mr. President in the chair.

Mr. Owen, Chairman of the Committee of the Whole, reported back C. B. No. 7, "An Act to provide for the care and custody of the Law Library of the territory of Montana," with a recommendation that the same be indefinitely postponed.

On motion of Mr. Fisher, the report was adopted by the following vote:—

Ayes—Messrs. Bullock, Fisher, Howe, Kinney, Owen, Laurence, Stapleton, and Stuart—8.

Nays—Messrs. Beck, Shoup, Warren, and Mr. President—4.

Council adjourned until 10 o'clock, to-morrow morning.

NINETEENTH DAY.

December 22, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—absent, Mr. Beck.

On motion of Mr. Laurence, Mr. Beck was granted leave of absence for one day.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

A communication was received from the House, announcing notices, and the introduction of bills, and that H. B. Nos. 10 and 12, C. B. No. 11, and C. J. R. No. 7, have passed the House.

Mr. Bullock, from Committee on Towns and Counties, reported back H. B. No. 13, with amendments, with a recommendation that it do pass. Read for information, and recommitted.

Mr. Howe, from Committee on Engrossment, reported C. B. No. 14, "For the relief of Newton Dickenson," correctly engrossed. Read a third time, and passed by the following vote:—

Ayes—Messrs. Collins, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—10.

Nays—Messrs. Bullock, and Fisher—2.

Absent on leave, Mr. Beck.

Title agreed to.

Mr. Warren, from Conference Committee, on H. B. No. 3, and Council substitute therefor, reported the same back to the Council. Report received, and bill and substitute laid on the table.

C. B. No. 27, "Concerning conveyances," was introduced by the Conference Committee, in lieu of H. B. No. 3, and Council substitute therefor. Read first and second times, and referred to Judiciary Committee.

H. J. R. No. 4, "In relation to Auditor's and Treasurer's accounts," was read first and second times, rule suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nays—None.

Absent on leave, Mr. Beck.

Title agreed to.

A communication was received from the Governor, through Private Secretary George Callaway containing a report of the exercise of the pardoning power during the term of office of his Excellency.

On motion of Mr. Fisher, the communication was placed on file.

H. B. No. 10, "An Act to prevent swine from running at large," was read first and second times, and referred to the Committee on Agriculture.

H. B. No. 12, "An Act to regulate the fees for the publication of legal documents," was read first and second times, and referred to the Committee on Ways and Means.

Mr. Warren submitted a report from the Code Commission, which was received, and on motion of Mr. Warren, the report was referred to the Judiciary Committee, with a request that said committee consider the same in conjunction with the Judiciary Committee of the House of Representatives, setting as a Joint Committee thereon.

Council took a recess until two P. M.

TWO O'CLOCK, P. M.

Mr. President in the chair.

Roll called—absent on leave, Mr. Beck.

Mr. Laurence gave notice of the introduction of a bill to provide for dividing counties into districts and the election of district's assessors.

On motion of Mr. Collins, the Council adjourned until to-morrow morning, at ten o'clock.

TWENTIETH DAY.

December 23, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Collins, from Joint Committee on Enrolment, reported H. J. R. No. 4 correctly enrolled.

Mr. President announced that he had just signed the resolution.

Mr. Stuart, from Committee on Agriculture, reported back H. B. No. 14, "An Act to encourage the introduction of blooded stock," with amendments, and recommend that the bill pass with accompanying amendments. Amendments ordered engrossed.

Mr. Stuart, Chairman of the Committee on Agriculture, reported back H. B. No. 10, "An Act to prevent swine from running at large," recommending its passage.

On motion of Mr. Fisher, the bill was referred to the Committee of the Whole.

Mr. Bullock, from the Committee on Towns and Counties, reported back C. B. No. 18, "In relation to counties and county officers," with amendments, and recommended its passage, as amended. Report adopted, and ordered engrossed, as amended.

Mr. Kinney, from Committee on Ways and Means, reported back H. B. No. 12, "In relation to the publication of legal documents," with a recommendation that it do pass. Bill read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Laurence, Kinney, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—13.

Nays—None.

Title agreed to.

On motion of Mr. Laurence, the Council went into Committee of the Whole, on general orders, to consider H. B. No. 10, Mr. Laurence in the chair.

Council resumed, Mr. President in the chair.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing the introduction of bills, and that C. J. R. No. 1, with House amendments, and H. B. No. 18, "An Act relating to district attorneys," have passed the House.

Mr. Laurence, Chairman of the Committee of the Whole, reported back H. B. No. 10, recommending its passage. Report adopted by the following vote:—

Ayes—Messrs. Beck, Bullock, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, and Warren—10.

Nays—Messrs. Collins, Fisher, and Mr. President.

On motion of Mr. Warren, the rules were suspended.

H. B. No. 10, "An Act to prevent swine from running at large," was read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, and Warren—10.

Nays—Messrs. Collins, Fisher, and Mr. President—3.

Title agreed to.

Mr. Warren, on behalf of the Code Commission, submitted an additional report, which was received, and, on motion of Mr. Warren, was made the special order for 2 P. M. to-day.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

The report of the Code Commission was taken up, and, on motion of Mr. Laurence, a committee of two, Messrs. Laurence and Stapleton, was appointed to confer with Secretary Callaway in regard to printing the laws, with instructions to report immediately.

Mr. Collins, from Joint Committee on Enrolment, reported C. B. No. 2, and H. B. Nos. 2, 5, and 7, correctly engrossed.

House amendments to C. J. M. No. 1, "In relation to salaries of Federal officers," were taken up, and referred to Committee on Federal Relations.

Council took a recess for thirty minutes.

Council resumed, Mr. President in the chair.

Roll called—all present.

The Special Committee to confer with the Secretary reported as follows:—

MR. PRESIDENT:—The Secretary informs us that he is authorized to print the Acts of this session of the Legislature, but not a compilation of the General Laws of the territory, as submitted by the "Code Commissioners."

LAURENCE, *Chairman.*

Report received and committee discharged.

Council went into Committee of the Whole, to consider the report of the "Code Commissioners," Mr. Bullock in the chair.

Council resumed, Mr. President in the chair.

On motion of Mr. Warren, the report of the "Code Commissioners" was made the special order for Tuesday next, at 11 o'clock.

Council adjourned until Tuesday next, Dec. 26th, at 10 o'clock.

TWENTY-THIRD DAY.

December 26, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of Saturday read and approved.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing that Mr. Vivion had given notice of the introduction of a bill in relation to county officers. That the Joint Committee on Revenue have introduced H. B. No. 32, "An Act providing for the collection of revenue." That Mr. Vivion has introduced H. B. No. 33, "An Act relating to county commissioners;" and that C. B. No. 6, with amendments, and C. B. No. 27, have passed the House.

By leave, without previous notice, Mr. Laurence introduced C. B. No. 28, "An Act relative to military stores and arsenals in

Montana." Read first and second times, and referred to Committee on Military Affairs.

Mr. Stuart gave notice of the introduction of a bill entitled "An Act relative to the rights of litigants."

House amendments to C. B. No. 6, "An Act in relation to notaries public," were read, and bill and amendments referred to the Judiciary Committee.

Mr. Warren tendered his resignation as Chairman of the Committee on Printing. Which was accepted.

C. B. No. 13, "An Act in relation to roads, cartways, and bridges," was made the special order for to-morrow, at 10.30 A. M.

On motion of Mr. Warren, the vote by which the report of the "Code Commission" was made the special order for 11 o'clock, A. M., to-day, was reconsidered, and report of Commissioners taken up.

Mr. Warren offered a resolution, providing for its reference to the Judiciary Committee of the two Houses, with instructions. Which was adopted.

Council took a récess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

A communication was received from the House, through Assistant Clerk, Mr. Word, announcing notices and the introduction of bills, and that C. B. No. 9 has passed the House.

Mr. Bullock, from Committee on Towns and Counties, reported back H. B. No. 13, "An Act authorizing the County Commissioners of Missoula County to levy a special tax for bridge purposes, with recommendations that it do pass. Read second time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nays—None.

Absent, Mr. Laurence.

Title agreed to.

Mr. Beck, from Committee on Federal Relations, reported back C. B. No. 19, "An Act relative to Chinaman," without recommendation, and asked to be discharged from further consideration of the same. Report received, and bill made special order for Thursday, the 28th inst., at 11 o'clock.

Mr. Collins, from Enrolment Committee, reported C. J. R. No. 7 correctly enrolled.

Mr. Warren introduced C. J. R. No. 8, "In relation to the introduction of bills." Read first time and laid over under the rules.

Mr. Fisher gave notice of the introduction of a bill to authorize the County Commissioners of Jefferson County to levy a special tax for building bridges.

Mr. Owen gave notice of a motion to reconsider the bill by which H. B. No. 13 passed the Council.

Council adjourned until to-morrow, at 10 o'clock, A. M.

TWENTY-FOURTH DAY.

December 27, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Stuart introduced C. B. No. 29, "An Act relative to the rights of litigants." Read first and second times, and referred to the Judiciary Committee.

Mr. Laurence introduced C. B. No. 30, "An Act to divide the counties of this territory into revenue districts." Read first and second times, and referred to Committee on Ways and Means.

C. J. R. No. 8, "In relation to the introduction of bills," was taken up and amended and ordered engrossed.

A communication from the House was received through Mr.

Ezekiel, Chief Clerk, announcing the passage of C. B. No. 5, "An Act relating to the killing of game and catching of fish."

Mr. Howe, from Committee on Engrossment, reported Council amendments to H. B. No. 10 correctly engrossed.

The committee heretofore appointed to confer with the Secretary in reference to the printing of the laws, were requested to reduce their instructions to the Secretary to writing, and request of him a reply thereto in writing.

Council went into Committee of the Whole on special order, to consider C. B. No. 13, "An Act in relation to roads, cartways, and bridges," Mr. Fisher in the chair.

Council resumed, Mr. President in the chair.

Mr. Fisher, of the Committee of the Whole on C. B. No. 13, reported progress, and asked leave to sit again.

The President announced that he had just signed H. Bs. Nos. 13, 5, 7, and 2.

Council went into Committee of the Whole to consider C. B. No. 13, Mr. Fisher in the chair.

Council resumed, Mr. President in the chair.

Mr. Fisher, from Committee of the Whole on C. B. No. 13, reported progress, and asked leave to sit again. Report received.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing that H. B. No. 22, "An Act concerning elections," had passed the House.

Mr. Laurence, from Special Committee to confer with the Secretary, reported his written reply to the interrogatories of the committee, which was read for information.

C. J. R. No. 8, "In relation to the introduction of bills," was read second time, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—absent, Mr. Shoup.

Mr. Howe was added to the Committee on Printing, to fill the vacancy occasioned by the resignation of Mr. Warren.

A communication was received from the Governor through his Private Secretary, George Callaway, in relation to the condition of discharged territorial convicts. Read and placed on file.

Council went into Committee of the Whole to consider C. B. No. 13, in relation to roads, &c., Mr. Howe in the chair.

Council resumed, Mr. President in the chair.

Mr. Howe, from the Committee of the Whole, reported progress, and asked leave to sit again. Report received.

The Committee on Roads and Highways reported amendments to Section 33 of C. B. No. 13, "An Act relating to roads, cartways, and bridges." Amendments adopted.

On motion of Mr. Fisher, the Council went into Committee of the Whole, Mr. Fisher in the chair.

Council resumed, Mr. President in the chair.

Mr. Fisher, Chairman of the Committee of the Whole, reported as follows :

MR. PRESIDENT:—Your Committee of the Whole, to whom was referred C. B. No. 13, "An Act in relation to roads, cartways, and bridges," beg leave to report that they have had the same under consideration, and made numerous amendments thereto, and have instructed the Chairman to report the same back to the Council, with recommendation that the amendments be adopted, and the bill as amended do pass.

FISHER, *Chairman*.

Report adopted, and bill as amended ordered engrossed for a third reading.

Council adjourned until to-morrow, at ten o'clock, A. M.

TWENTY-FIFTH DAY.

December 28, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—absent, Mr. Shoup.

Minutes of yesterday read and approved.

On motion of Mr. Warren, indefinite leave of absence was granted to Mr. Shoup, on account of illness.

The Chaplain was granted leave of absence for one day.

Mr. Howe, from Engrossment Committee reported C. B. No. 18, "Relating to counties and county officers," correctly engrossed.

Mr. Kinney, from Committee on Ways and Means, reported back C. Bs. Nos. 3 and 17, "In relation to extra compensation," with a substitute recommending the adoption of the substitute in lieu thereof. Referred to the Committee of the Whole.

Mr. Warren, from Judiciary Committee, reported C. B. No. 12, with recommendations that it be referred to Joint Judiciary of both Houses. Report adopted, and bill so referred.

Mr. Collins, from Committee on Enrolment, reported C. Bs. Nos. 9 and 27, and C. J. R. No. 7, correctly enrolled.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing notices, and the introduction of sundry bills, and that H. B. No. 24, and H. B. No. 16, have passed the House.

C. B. No. 31, "In relation to extra compensation," was read first and second times, and referred to Committee of the Whole.

Mr. Laurence offered an amendment to C. B. No. 31, which was referred with bill to Committee of the Whole.

Mr. Owen asked unanimous consent to introduce a motion to reconsider the vote by which H. B. No. 13, passed the Council. Leave refused.

H. B. No. 14, "An Act to encourage the introduction of blooded stock," was read third time as amended, and passed by the following vote:—

Ayes—Messrs. Bullock, Howe, Kinney, Owen, Stapleton, Stuart, Warren, and Mr. President—8.

Nays—Messrs. Beck, Collins, Fisher, and Laurence—4.

Absent on leave, Mr. Shoup.

Title agreed to.

H. B. No. 16, "An Act in relation to mines," was read first and second times, and referred to Committee on Mines and Minerals.

H. B. No. 22, "Concerning elections," was read first and second times, and referred to Committee on Elections.

H. B. No. 24, "An Act to prescribe the time of holding terms of the Supreme Court," was read first and second times, rules suspended, and passed by the following vote:

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, Warren, and Mr. President—12.

Nays—None.

Absent, Mr. Shoup.

Title agreed to.

On motion of Mr. Stuart, the House amendments to C. B. No. 5, were concurred in.

C. B. No. 18, "An Act in relation to counties and county officers," was read third time, and passed by the following vote:

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, Warren, and Mr. President—12.

Nays—None.

Absent on leave, Mr. Shoup.

Title agreed to.

On motion of Mr. Warren, the special order for 11 o'clock (C. B. No. 19,) be postponed until Saturday, December 30, at 11 A. M.

Council went into Committee of the Whole to consider C. Bs. Nos. 3, 17, and 31, "In relation to extra compensation." Mr. Stapleton in the chair.

Council resumed, Mr. President in the chair.

Mr. Stapleton, from the Committee of the Whole, reported back C. Bs. Nos. 3, 17 and 31, without recommendation. Report received.

Mr. Warren moved that C. B. No. 17 be indefinitely postponed. Which was lost, by the following vote:—

Ayes—Messrs. Collins, Howe, Kinney, Owen, Stuart, and Warren—6.

Nays—Messrs. Beck, Bullock, Fisher, Laurence, Stapleton, and Mr. President—6.

Absent on leave, Mr. Shoup.

Mr. Warren moved that the rules be suspended, that C. B. No. 17 be considered engrossed and placed on its final passage. Question taken, and Mr. President declared the motion lost.

Mr. Warren called for a division.

Mr. President ruled the motion out of order.

Mr. Warren appealed from the decision of the President, and demanded the ayes and nays.

Roll called, and motion of Mr. Warren prevailed by the following vote:—

Ayes—Messrs. Beck, Fisher, Howe, Kinney, Owen, Stapleton, Stuart, and Warren—8.

Nays—Messrs. Bullock, Collins, and Laurence—3.

So the ruling of the chair was not sustained.

The rules were suspended,—C. B. No. 17, "An Act to repeal an Act entitled 'An Act to provide increased compensation to the officers in the territory of Montana,' approved January 24, 1865," was considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Kinney, Laurence, Stapleton, Warren, and Mr. President—9.

Nays—Messrs. Howe, Owen, and Stuart—3.

Absent on leave, Mr. Shoup.

Title agreed to.

Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—absent on leave, Mr. Shoup.

Mr. Laurence gave notice of a bill to provide clothing for discharged territorial convicts.

C. B. No. 3, "An Act to repeal an Act entitled 'An Act to provide increased compensation to the officers of this territory,' approved January 15, 1869," was taken up, rules suspended, considered engrossed, and read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, and Warren—11.

Nays—Mr. President—1.

Absent on leave, Mr. Shoup.

Title agreed to.

C. B. No. 31, "In relation to extra compensation," was taken up, and, on motion of Mr. Fisher to lay the bill on the table, the ayes and nays were demanded.

Roll called, and motion lost by the following vote:—

Ayes—Messrs. Bullock, Fisher, Howe, Laurence, and Stapleton—5.

Nays—Messrs. Beck, Collins, Kinney, Owen, Stuart, Warren, and Mr. President—7.

Absent on leave, Mr. Shoup.

On motion of Mr. Warren, the bill was made the special order for 10 o'clock, A. M., to-morrow.

The following notices of the introduction of bills were given:—

By Mr. Laurence—"An Act for the relief of N. P. Langford."

By Mr. Warren—"An Act to define the powers and duties, and establish the fees, commission, and compensation of the Territorial Auditor and the Territorial Treasurer."

Mr. Collins gave notice that he would, on to-morrow, move to reconsider the vote by which C. B. No. 17 passed the Council.

The President announced that he had just signed C. B. No. 9, "To define the boundaries of Deer Lodge County," and C. B. No. 11, "An Act concerning limitations," and C. B. No. 25, "Authorizing the county commissioners to fund the county debt."

Council adjourned until 10 o'clock, A. M., to-morrow.

TWENTY-SIXTH DAY.

December 29, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing that the House has concurred in Council amendments to H. B. No. 14, and that H. Bs. Nos. 27, 29, and 37, have passed the House.

Mr. Warren, from the Judiciary Committee, reported back House amendments to C. B. No. 6, "In relation to notaries public," with the recommendation that the Council do not concur therein. Bill, as amended, read, and the Council refused to concur, by the following vote:—

Aye—Mr. Beck—1.

Nays—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stewart, and Mr. President—11.

Absent, Mr. Warren.

The Joint Committee on Revenue introduced Council Bill No. 32, "An Act concerning licenses," and recommended its passage. On motion of Mr. Collins, the rules were suspended, the reading of the bill was dispensed with, and the bill made the special order for to-morrow, at half-past ten o'clock, A. M.

Mr. Warren, from the Judiciary Committee, reported C. B. No. 20, "In relation to rights of litigants," with amendments, and recommended that it do pass, as amended. Amendments adopted. and ordered engrossed.

Also, H. B. No. 9, "An Act for the relief of Sample Orr," with the recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Mr. Collins, from the Enrolment Committee, reported C. B. No. 9, C. B. No. 11, and C. B. No. 27, presented to the Governor for his approval, at 20 minutes past 2, P. M., December 28th.

H. B. No. 27, "To amend the Incorporation Act," was read first and second times, and referred to the Committee on Incorporations.

H. B. No. 37, "Relating to the poor," was read first and second times, and referred to the Committee on Ways and Means.

By leave, Mr. Bullock introduced C. B. No. 33, "In relation to marks and brands." Read first and second times, and referred to the Committee on Towns and Counties.

Mr. Laurence, from the Committee on Military Affairs, reported back C. B. No. 28, "Relating to military stores and arsenals," with amendments. Amendments adopted, and the bill as amended, ordered engrossed.

Council went into Committee of the Whole, on special order to consider C. B. No. 31, "An Act to provide for the pay of the members, officers, and employees of the Legislative Assembly of the Territory of Montana," Mr. Fisher in the chair.

Council resumed, Mr. President in the chair.

Mr. Fisher, Chairman of the Committee of the Whole, reported back C. B. No. 31, with the recommendation that it do pass. Report adopted by the following vote:—

Ayes—Messrs. Collins, Howe, Kinney, Laurence, Owen, Shoup, Stuart, and Warren—8.

Nays—Messrs. Beck, Bullock, Fisher, Stapleton, and Mr. President—5.

On motion, the rules were suspended, bill considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Collins, Howe, Kinney, Laurence, Owen, Shoup, Stuart, and Warren—8.

Nays—Messrs. Beck, Bullock, Fisher, Stapleton, and Mr. President—5.

Title agreed to.

On motion of Mr. Collins, in pursuance of previous notice, the vote by which C. B. No. 17 passed the Council was reconsidered.

On motion of Mr. Collins, C. B. No. 17, "An Act to repeal 'An Act to provide increased compensation to officers of the Territory

of Montana,' approved January 24, 1865," was indefinitely postponed by the following vote:—

Ayes—Messrs. Collins, Howe, Kinney, Laurence, Owen, Shoup, Stuart, and Warren—8.

Nays—Messrs. Beck, Bullock, Fisher, Stapleton, and Mr. President—5.

Council adjourned until to-morrow, at 10 o'clock, A. M.

TWENTY-SEVENTH DAY.

December 30, 1871.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing the introduction of sundry bills, and that House Bills 6, 28, and 43 had passed the House.

Mr. Collins, from the Committee on Enrolment, reported C. B. No. 5, "Game Law," correctly enrolled.

Mr. Howe, from the Engrossment Committee, reported back C. B. No. 28, "Relative to military stores," correctly engrossed. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nays—None.

Absent, Mr. Owen.

Title agreed to.

Mr. Bullock, from the Committee on Towns and Counties, reported back C. B. No. 33, "Relating to brands and marks," with amendments, and recommended its passage as amended. Amendments adopted, and ordered engrossed.

Mr. Warren, from the Judiciary Committee, reported back C. B. No. 23, "Relative to the issuing of duplicate warrants," with a

substitute, and recommended its adoption in lieu thereof. Rules suspended, substitute considered engrossed, read a third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—13.

Nays—None.

Title agreed to.

Also, H. B. No. 18, "In relation to district attorneys," with amendments, and recommended its passage. Amendments adopted and ordered engrossed.

Mr. President announced that he had signed H. B. No. 13, "Authorizing the County Commissioners of Missoula County to levy a special tax for bridge purposes," and H. B. No. 24, "Prescribing times of holding terms of the Supreme Court."

Mr. Stapleton, from the Committee on Mines and Minerals, reported back H. B. No. 16, "Relating to rights of way," with the recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Mr. Stuart gave notice of a bill to amend the election laws.

Mr. Laurence gave notice of a bill authorizing County Commissioners to fund county debt.

A communication was received from the Governor, announcing his approval of C. B. No. 9, "To define the boundaries of Deer Lodge County," and C. B. No. 27, "Concerning conveyances."

Council went into Committee of the Whole on special order to consider C. B. No. 32, "Concerning licenses." Mr. Beck in the chair.

Council resumed, Mr. President in the chair.

Mr. Beck, from the Committee of the Whole, reported back C. B. No. 32, with the recommendation that it be ordered printed. Report adopted, and bill ordered printed.

Council took a recess until two P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

Mr. Howe, from Committee on Engrossment, reported back C. B. No. 13, "In relation to roads," Council amendments to H. B. No. 29, in relation "To rights of litigants," and C. B. No. 33, "In relation to brands and marks," correctly engrossed.

Mr. Collins, from Committee on Enrolment, reported H. Bs. Nos. 9 and 14, correctly enrolled.

Mr. Laurence gave notice of a bill to create the office of Territorial Librarian.

Mr. Stuart gave notice of a bill in relation to Fire Wardens.

H. B. No. 28, "In relation to reporting decisions of the Supreme Court," read first and second times, and referred to the Judiciary Committee.

H. B. No. 43, "To attach the counties of Chouteau, Big Horn, and Dawson, to other counties for judicial purposes," read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nays—None.

Absent, Mr. Kinney.

Title agreed to.

H. B. No. 6, read first and second times, and referred to Committee on Education.

C. B. No. 13, was taken up and read a third time.

Mr. Stapleton moved a call of the Council; call ordered; absent, Mr. Kinney. The Sergeant-at-Arms was directed to bring in the absentee.

Mr. Laurence moved that the further call of the Council be dispensed with.

The Council refused to dispense with a further call. Sergeant-at-Arms reported Mr. Kinney in his seat.

On motion of Mr. Collins, the further call of the Council was dispensed with.

C. B. No. 13, "An Act in relation to roads, cartways, and bridges," passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stuart, Warren, and Mr. President.

Nay—Mr. Stapleton—1.

Absent, Mr. Collins.

Title agreed to.

H. B. No. 18, "An Act in relation to District Attorneys," was read third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Laurence, Shoup, Stapleton, Stuart, Warren, and Mr. President—11.

Nays—None.

Absent, Messrs. Beck, Owen.

Title agreed to.

C. B. No. 33, "An act in relation to marks and brands," read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Laurence, Shoup, Stapleton, Stuart, Warren, and Mr. President—11.

Nay—Mr. Collins—1.

Absent, Mr. Owen.

Title agreed to.

C. B. No. 29, "An Act in relation to the rights of litigants," read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Laurence, Shoup, Stapleton, Stuart, Warren, and Mr. President—11.

Nay—Mr. Collins—1.

Absent, Mr. Owen.

Title agreed to.

Mr. President announced that he had just signed H. B. No. 9, "An Act for the relief of Sample Orr," and H. B. No. 14, "An Act to encourage the introduction of blooded stock."

Mr. Laurence introduced C. B. No. 34, "An Act to create the office of Territorial Librarian," read first and second times, and referred to Committee on Incorporations.

Mr. Kinney, from Committee of Ways and Means, reported back H. B. No. 37, with amendments, and recommended that the same do pass as amended. Amendments adopted.

At the request of Mr. Stuart, Chairman of the Special Committee, to consider that portion of the Governor's message relating to the insane, the President added to the committee, Messrs. Fisher and Kinney.

Council adjourned until Monday, January 1, 1872, at 10 o'clock, A. M.

TWENTY-NINTH DAY.

January 1, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Minutes of Saturday read and approved.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing notices, introduction of bills, and passage of bills in that body, and requesting a Conference Committee to agree on C. B. No. 6, "In relation to Notaries Public," the House amendments to which the Council refused to concur in.

Mr. Warren, from Judiciary Committee, reported back H. B. No. 28, "Relating to reporting decisions of the Supreme Court," with recommendation that it do pass, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, and Warren—10.

Nays—Messrs. Bullock, Collins, and Mr. President—3.

Title agreed to.

Mr. Shoup, from Committee on Incorporations, reported back H. B. No. 27, "In relation to incorporations," without recommendation, read third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Fisher, Howe, Laurence, Owen, Shoup, Stuart, and Mr. President—8.

Nays—Messrs. Beck, Collins, Kinney, Stapleton, and Warren—5.

Title agreed to.

Mr. Warren, from the Joint Judiciary Committee, to whom was referred the report of the Code Commissioners, reported C. B. No. 55, "An Act to regulate proceedings in civil cases, in the courts of justice, in the territory of Montana." Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nay—Mr. Collins—1.

Title agreed to.

Mr. Howe gave notice of a bill relating to chattel mortgages.

Mr. Laurence introduced C. B. No. 36, to amend "An Act authorizing the County Commissioners to fund the county debt." Read first and second times, and referred to Joint Committee on Ways and Means.

On motion of Mr. Laurence, the President appointed a Conference Committee on C. B. No. 6, consisting of Messrs. Laurence, Howe, and Owen.

Mr. President announced that he had just signed C. B. No. 5, "Gamelaw," H. B. No. 37, "In relation to the support of the poor," was read third time as amended by the Council, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

H. B. No. 26, "Apportionment bill," was read first and second times, and referred to Committee on Elections.

H. J. R. No. 6, "Authorizing Joint Enrolment Committee to employ clerks," was read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nay—Mr. Bullock—1.

Title agreed to.

H. B. No. 46, "Authorizing County Commissioners to fund county debt," was read first and second times, and referred to Joint Committee on Ways and Means.

H. B. No. 25, "Alien law," was read first time and made special order for 11.30 A. M., to-morrow.

C. B. No. 14, "An Act for the relief of N. Dickenson," was taken up, House amendments read, and bill, with amendments, referred to Committee on Ways and Means.

Council adjourned until 10 o'clock A. M., to-morrow.

THIRTIETH DAY.

January 2, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Laurence gave notice of a bill in relation to water rights in agricultural districts for irrigating purposes.

Mr. Stuart introduced C. B. No. 37, "Relative to fire wardens." Read first and second times, and referred to Committee on Towns and Counties.

Mr. Collins, from the Committee on Enrolment, reported C. B. No. 5, "Game law," presented to the Governor for his approval, at 11.30 A. M., January 1, 1872.

A call of the House was ordered, and the Sergeant-at-Arms directed to bring in the absentees.

On motion of Mr. Collins, the further call was dispensed with.

Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

Mr. Collins, from Joint Committee on Enrolment, reported H. Bs. Nos. 16 and 43, and H. J. R. No. 6, correctly enrolled.

Mr. Bullock, from Committee on Towns and Counties, reported back C. B. No. 37, "An Act relative to fire wardens," recommending its passage.

Mr. Beck, Chairman of the Committee on Elections, reported back H. B. No. 22, "An Act concerning elections," recommending its passage.

Messrs. Shoup and Collins, from same committee, submitted a minority report on same bill, recommending that the bill pass with accompanying amendments to strike out "August" and insert "October."

Mr. Warren offered an amendment to the amendment, to insert "July" instead of "October." Amendment to amendment lost.

Mr. Warren moved to dispense with the further reading of the bill, and that it be referred to the Committee on Immigration.

Motion lost by the following vote:—

Ayes—Messrs. Owen, Shoup, Warren, and Mr. President—4.

Nays—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Stapleton, and Stuart—9.

Bill, as amended, read third time, and passed as amended by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Shoup, Stapleton, Stuart, and Mr. President—10.

Nays—Messrs. Laurence, Owen, and Warren—3.

Title agreed to.

The Committee on Elections reported back C. B. No. 4, "An Act concerning elections," recommending its passage, and C. B. No. 26, relative to elections, without recommendation.

Mr. President announced that he had just signed H. Bs. Nos. 16 and 13, and H. J. R. No. 6.

A communication from the Governor was received, through his Private Secretary, Mr. Callaway, announcing that he had approved C. B. No. 5, "Game law."

Council adjourned until to-morrow, at 10 o'clock, A. M.

THIRTY-FIRST DAY.

January 3, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

On motion of Mr. Stuart, the vote by which H. B. No. 22, "An Act concerning elections," passed, was reconsidered; and on motion of Mr. Laurence the bill was recommitted to the Committee on Elections.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing notices, introduction, and passage of bills in that body.

Mr. Shoup, Chairman of Committee on Incorporations, reported back C. B. No. 34, "An Act to create the office of Territorial Librarian," with the recommendation that it be indefinitely postponed.

On motion of Mr. Collins, the report was adopted and the bill so disposed of.

Mr. Howe introduced C. B. No. 38, "An Act to authorize the County Commissioners of Jefferson County to levy a special tax for building purposes." Read first and second times, and referred to the Committee on Towns and Counties.

H. B. No. 23, "In relation to funding the territorial debt of Montana," was read first and second times, and referred to the Committee on Ways and Means.

H. B. No. 33, "In relation to County Commissioners," was read first and second times, and referred to the Committee on Federal Relations.

H. B. No. 38, "In relation to rights of legal representatives of deceased persons," was read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—12.

Nay—Mr. President—1.

Title agreed to.

H. B. No. 45, "Authorizing the Governor to contract for maintenance of territorial convicts, and to provide clothing when dis-

charged," was read first and second times, and referred to Committee on Ways and Means.

H. B. No. 50, "Concerning conspiracies," was read first and second times, and referred to the Committee on Indian Affairs.

H. J. R. No. 7, "Authorizing the Secretary of the territory to discharge certain duties," was read first and second times, and referred to the Committee on Ways and Means.

C. B. No. 37, "An Act in relation to Fire Wardens," was read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, and Stuart—11.

Nays—Messrs. Warren and Mr. President—2.

Title agreed to.

C. B. No. 26, "Relative to elections." Read for information, and recommitted to the Committee on Elections.

C. B. No. 19, "In relation to Chinamen," was taken up, and on motion of Mr. Laurence, was indefinitely postponed.

H. B. No. 25, "Alien law," was made a special order for Friday next, at 10.30 A. M.

On motion of Mr. Beck, the Chief Clerk of the Council was requested to procure from the House the House amendments to C. J. M. No. 1, lost by the Committee on Federal Relations.

Mr. Stapleton gave notice of a bill amendatory of "An Act to authorize certain persons to establish a toll road in Beaver Head County."

Council took a recess until 2 P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—absent, Mr. Warren.

A communication was received from the House, through Mr. Ezekiel, Chief Clerk, announcing the introduction and passage of bills, and asking for the appointment of a conference committee on the "Gallatin County petition."

Mr. President appointed Messrs. Beck, Owen, and Fisher such committee on the part of the Council.

Messrs. Beck, Owen, and Fisher, of the joint committee to ex-

amine the Auditor's and Treasurer's reports, books, and accounts, were, on motion of Mr. Fisher, excused further attendance on the Council during the day.

Mr. Howe, from Engrossment Committee, reported C. B. No. 4 correctly engrossed.

Mr. Bullock, Chairman of the Committee on Towns and Counties, reported that he was instructed by his committee to report back C. B. No. 38, "Authorizing the Commissioners of Jefferson County to levy a special tax for building purposes," recommending its passage.

Mr. Collins, from the Committee on Education, reported back C. B. No. 8, "To punish certain crimes therein named," recommending its passage. Bill ordered to be engrossed.

Without previous notice, with unanimous consent, Mr. Laurence introduced C. B. No. 39, "In relation to terms of Probate Courts." Read first and second times, and referred to Judiciary Committee.

H. B. No. 34, "In relation to county officers," was read first and second times, and, on motion of Mr. Laurence, the rules were suspended, read a third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Collins, Howe, Kinney, Laurence, Shoup, Stapleton, Stuart, and Mr. President—9.

Nays—None.

Absent—Mr. Warren. Absent on leave—Messrs. Beck, Fisher, and Owen.

Title agreed to.

H. B. No. 37, "In relation to the poor," was taken up.

Mr. Collins moved that the Council adhere to its amendments thereto.

Mr. Laurence moved an amendment, that the Council recede from its amendments, which was lost by the following vote:—

Ayes—Messrs. Bullock and Laurence—2.

Nays—Messrs. Collins, Howe, Kinney, Shoup, Stapleton, Stuart, and Mr. President—7.

Absent, Mr. Warren; absent on leave, Messrs. Beck, Fisher, and Owen.

On motion of Mr. Laurence, the Council adjourned until tomorrow, at 10 o'clock, A. M.

THIRTY-SECOND DAY.

January 4, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Kinney, from the Committee on Ways and Means, reported back C. B. No. 25, "In relation to funding county debt," with recommendation it do not pass. Read third time, and lost by the following vote:—

Ayes—Mr. Laurence and Mr. President—2.

Nays—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Owen, Shoup, Stapleton, and Stuart—9.

Absent—Messrs. Collins and Warren.

Also, C. B. No. 36, "In relation to funding county debt," recommending that it do not pass.

Upon the question "Shall the bill be engrossed?" the yeas and nays were demanded, and the question lost by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Laurence, Owen, and Stapleton—6.

Nays—Messrs. Collins, Howe, Kinney, Shoup, Stuart, and Mr. President—6.

Absent, Mr. Warren.

Also, H. B. No. 46, "In relation to funding the county debt of several counties," with the recommendation that it do not pass. Read third time, and lost by the following vote:

Aye—Mr. President—1.

Nays—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, and Warren—12.

Also, H. B. No. 23, "In relation to funding territorial debt," recommending its passage. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, and Warren—11.

Nays—Mr. Stapleton, and Mr. President—2.

Title agreed to.

Also, H. B. No. 45, "Relating to maintenance of convicts," recommending its passage. Read third time and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Laurence, Shoup, and Stuart—8.

Nays—Mr. Stapleton, and Mr. President—2.

Absent, Messrs. Collins, Owen, and Warren.

Title agreed to.

Also, H. B. No. 50, "In relation to conspiracies," with the recommendation that it do not pass.

Also, C. B. No. 14, "For the relief of N. Dickenson," with the recommendation that the Council concur in the House amendments. Report adopted, and the amendments concurred in.

C. B. No. 4, "In relation to Elections," was read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Mr. Beck, from the Committee on Federal Relations, reported back C. J. M. No. 1, "In relation to Salaries of Officers of Montana," recommending that House amendments thereto be concurred in. Report adopted, and amendments concurred in.

H. B. No. 37 was taken up, and a Conference Committee asked for thereon. Messrs. Stapleton, Shoup, and Howe, were appointed such committee, on the part of the Council.

Mr. Beck, from the Committee on Federal Relations, reported back H. B. No. 33, "In relation to County Commissioners," with amendments. Amendments adopted, and bill ordered engrossed.

Mr. Owen introduced C. B. No. 40, "To provide increased compensation to Probate Judges of certain counties." Read first and second times, and referred to the Judiciary Committee.

Mr. Stapleton introduced C. B. No. 41, "To amend an Act authorizing certain persons in Beaver Head County, to maintain

a Toll Road." Read first and second times, and referred to the Committee on Incorporations.

Mr. Laurence introduced C. B. No. 42, "In relation to Water Rights." Read first and second times, and referred to the Committee on Agriculture.

A communication was received from the House through Mr. Ezekiel, Chief Clerk, announcing that C. B. No. 37, "In relation to Fire Wardens," had been lost in the House.

Mr. President announced that he had just signed H. B. No. 27, and H. B. No. 28.

Mr. Collins, from the Joint Committee on Enrolment, reported C. Bs. Nos. 18, 23, 28, and 29, correctly enrolled.

C. B. No. 32, "An Act concerning Licenses," was called up, and on motion of Mr. Collins, the printed copy was adopted as the original bill. Read second time and referred to the Committee of the Whole. Council went into the Committee of the Whole, to consider C. B. No. 32, Mr. Bullock in the chair.

Council resumed, Mr. President in the chair.

Mr. Bullock, from Committee of the Whole, reported progress, and asked leave to sit again.

C. B. No. 35, "Civil Practice Act," was taken up, the House amendments thereto were concurred in, and the bill ordered enrolled.

On motion, the Engrossing Clerks, when not otherwise employed, were instructed to assist the Enrolling Clerks of the Council.

Council took a recess until two o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—absent, Mr. Owen.

Mr. Stapleton gave notice of a bill to provide for declaring offices vacant on certain conditions.

C. B. No. 32, "An Act concerning Licenses," was taken up, and on motion of Mr. Stapleton the rules were suspended, bill read third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Laurence, Stapleton, Stuart, Warren, and Mr. President—10.

Nays—Messrs. Beck and Shoup—2.

Absent, Mr. Owen.

Title agreed to.

Mr. Collins gave notice that he would, on to-morrow, at 10.30 o'clock, A. M., move a reconsideration of the vote by which C. B. No. 32 passed the Council.

Mr. Howe, from the Joint Committee on Engrossment, reported C. B. No. 28, "Authorizing a Special Tax in Jefferson County for building purposes," and Council amendments to H. B. No. 33, correctly engrossed.

Council adjourned until to-morrow morning, at ten o'clock.

THIRTY-THIRD DAY.

January 5, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and adopted.

A communication from the House, through Chief Clerk Ezekiel, announcing introduction and passage of bills in that body, asking a Conference Committee on H. B. No. 37, "In relation to the support of the poor," and that the House refuse to concur in Council amendments to H. B. No. 18, "In relation to district attorneys," and request the Council to recede therefrom.

On motion of Mr. Laurence, the Council refused to recede therefrom, and respectfully asked a Conference Committee thereon.

Mr. Shoup, from Committee on Incorporations, reported back C. B. No. 41, recommending its passage.

Mr. Kinney, from Committee on Ways and Means, reported back H. J. R. No. 7, "Authorizing the Secretary of the Territory

to discharge certain duties," with the recommendation that it do pass.

Mr. Beck, from Committee on Federal Relations, made a majority report on H. B. No. 22, "Election law," and recommended its passage with amendments.

Also, a minority report from same committee, recommending its passage without amendment.

Also, reported back C. B. No. 26, "Relative to elections," recommending it to be laid on the table.

Mr. Collins, from Committee on Education, reported back C. B. No. 15, "Providing for the registration of births and deaths," and recommend it do pass. Ordered engrossed.

H. B. No. 49, "To amend an act concerning limitations," read first and second times, and referred to Committee on Mines and Minerals.

H. B. No. 54, "Legalizing certain acts of Treasurer, &c., of Galatin County," read first and second times, and referred to Judiciary Committee.

H. B. No. 25, "Alien law," taken up under special order.

Mr. Bullock presented a petition from Wau Kee and twenty others against its passage. Petition read for information.

Council then went into Committee of the Whole to consider the bill, Mr. Fisher in the chair.

Council resumed, Mr. President in the chair.

Mr. Fisher, from Committee of the Whole, reported back H. B. No. 25, "Alien law," with recommendation that it do pass. Report adopted, and the bill ordered to a second reading.

Mr. Warren proposed an amendment to section 1, so that it shall read, "no alien shall be allowed to acquire title, under local or general laws or customs, to any placer mine or claim in this territory," which was lost by the following vote:—

Ayes—Messrs. Kinney, Laurence, Owen, and Warren—4.

Nays—Messrs. Beck, Bullock, Fisher, Howe, Shoup, Stapleton, Stuart, and Mr. President—8.

Absent, Mr. Collins.

Mr. Warren proposed an amendment to section 1, so that it shall read, "Provided that nothing contained in this act shall prevent any citizen of Madison County, who owns or possesses any

placer mine, from contracting with aliens, or others, to work the same on shares of the proceeds thereof," which was lost by the following vote:—

Ayes—Messrs. Kinney, Owen, Stapleton, and Warren—4.

Nays—Messrs. Beck, Bullock, Fisher, Howe, Laurence, Shoup, Stuart, and Mr. President—8.

On motion of Mr. Warren, a call of the Council was ordered.

Mr. Collins absent. Sergeant-at-arms directed to bring in the absentee.

Sergeant-at-arms reported Mr. Collins in his seat. Further call of the Council dispensed with.

Mr. Laurence, under leave, introduced C. B. No. 43, "To provide for compensation of the Code Commission;" read first and second times, and referred to Committee on Ways and Means.

Mr. Bullock proposed an amendment to section 1 of H. B. No. 25, "Alien law," so that it shall read, "no alien, who, by the laws or treaties of the Government of the United States, is prohibited from becoming a citizen thereof, shall be allowed to acquire any title, interest, etc.," which was lost by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, and Stapleton—4.

Nays—Messrs. Beck, Howe, Kinney, Laurence, Owen, Shoup, Stuart, Warren, and Mr. President—9.

Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

On motion of Mr. Beck, a call of the Council was ordered.

Absent, Mr. Owen.

The Sergeant-at-arms was directed to bring in the absentee.

Members all reported in their seats, and further call dispensed with.

Rules suspended, and H. B. No. 55, "Concerning crimes and punishments," taken up. Read first and second times; rules suspended; read third time, by its title, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

H. B. No. 56, "An Act to regulate proceedings in criminal cases in the Courts of Justice in Montana Territory," read first and second times, rules suspended, read third time, by its title, and passed by the following vote:—

Ayes, 13.

Nays, none.

Title agreed to.

Mr. Collins, from Joint Committee on Enrollment, reported C. J. R. No. 1, "In relation to the salaries of officers," and H. B. No. 34, "Defining the duties of certain county officers," as correctly enrolled.

Mr. Howe, from Committee on Engrossment, reported C. B. No. 8, "To provide for the punishment of certain crimes," correctly engrossed. Read third time, and recommitted to Committee on Engrossment.

Mr. Stapleton introduced C. B. No. 44, "An Act declaring offices vacant upon certain conditions." Read first and second times, and referred to Judiciary Committee.

The President announced that he had just signed C. J. M. No. 1, "Relating to salaries of officers;" C. B. No. 14, "For compensation of N. Dickenson;" 18, "Relating to counties and county officers;" 28, "Relating to arsenals;" 29, "Relating to rights of litigants;" 23, "Authorizing the issue of duplicate warrants," and H. B. No. 34, "Defining duties of collectors and other county officers."

H. B. No. 33, "Relating to County Commissioners," was taken up, read third time, and passed, as amended, by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nay—Mr. Laurence—1.

Title agreed to.

H. B. No. 32, "Concerning elections," was taken up. Majority report of Committee on Elections adopted, and amendments ordered engrossed.

H. J. R. No. 7, "Authorizing the Secretary of the territory to discharge certain duties," read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nays—Mr. Laurence—1.

Title agreed to.

H. B. No. 50, "An Act concerning conspiracy," was read third time, and lost by the following vote:—

Ayes—Mr. Bullock and Mr. President—2.

Nays—Messrs. Beck, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, and Warren—11.

C. B. No. 38, "To authorize a special tax in Jefferson County," read third time, and, on motion of Mr. Warren, recommitted to Committee on Towns and Counties.

C. B. No. 26, "Concerning elections," read third time, and lost by the following vote:—

Ayes—None.

Nays—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Absent, Mr. Collins.

C. B. No. 41, "To amend Act authorizing toll road and bridge in Beaver Head County," read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—12.

Nays—None.

Absent, Mr. Collins.

Title agreed to.

The motion of Mr. Collins to reconsider the vote by which C. B. No. 32, "Concerning licenses," passed the Council, was lost.

Mr. Stuart, from Committee on Agriculture, reported back C. B. No. 42, "Concerning water rights," with amendments. Amendments adopted, and bill as amended ordered engrossed.

Mr. Stuart, from Special Committee on Insane, reported C. B. No. 45, "In relation to insane," read first and second times, and referred to Committee of the Whole, and made a special order for Saturday next, at 10.30, A. M.

H. B. No. 25, "Alien law," taken up, read second time, and amended by striking out the word "alien" wherever it occurs, and inserting in lieu thereof the word "Chinaman."

Mr. Beck moved to adjourn. Motion lost.

Mr. Warren moved to go into Committee of the Whole to consider H. B. No. 25. Motion lost by the following vote.

Ayes—Messrs. Bullock, Fisher, Kinney, Owen, Shoup, and Warren—6.

Nays—Messrs. Beck, Collins, Howe, Laurence, Stapleton, Stuart, and Mr. President—7.

Mr. Laurence offered the following amendment: "Amend section 2 of H. B. No. 25 by striking out all after the word "thereof" in the thirteenth line." The amendment was lost by the following vote:—

Ayes—Messrs. Collins, Fisher, Howe, Laurence, and Stapleton,—5.

Nays—Messrs. Beck, Bullock, Kinney, Owen, Shoup, Stuart, Warren, and Mr. President—8.

Mr. Collins, from Committee on Education, introduced C. J. M. No. 2, "In relation to school lands." Read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—12.

Nays—None.

Absent, Mr. Beck.

Title agreed to.

Mr. Collins, from Joint Committee on Enrolment, reported C. Bs. Nos. 14, "For the relief of N. Dickenson;" 18, "Relating to counties and county officers;" 23, "To authorize the issue of duplicate territorial warrants;" 28, "In relation to arsenals;" 29, "In relation to rights of litigants," and C. J. M. No. 1, "Relative to increased compensation for territorial officers," presented to the Governor at 3 o'clock, P. M., this day.

Council adjourned until 10 o'clock A. M., to-morrow.

THIRTY-FOURTH DAY.

January 6, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—quorum present.

Absent, Mr. Shoup.

Indefinite leave of absence granted to Mr. Shoup on account of illness.

Prayer by the Chaplain.

Minutes of yesterday read and adopted.

Communication from the Governor through his private Secretary, George Callaway, announcing his approval of C. Bs. Nos. 18, 23, and 28.

Communication from the House, through Chief Clerk Mr. Ezekiel, announcing notices and passages of bills in that body.

Mr. Fisher presented a petition from the citizens of Jefferson County. Read, and referred to the Committee on Towns and Counties.

Mr. Lawrence presented a petition from the citizens of Jefferson County. Read, and referred to Committee on Towns and Counties.

Mr. Bullock presented a petition from the citizens of Jefferson County. Read, and referred to the Committee on Towns and Counties.

Mr. Howe, from the Committee on Engrossment, reported back C. B. No. 8, "To provide for the punishment of certain crimes, correctly engrossed. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Stuart, and Mr. President—10.

Nays—Messrs. Stapleton and Warren—2.

Absent on leave, Mr. Shoup.

Title agreed to.

Mr. Kinney, from the Committee on Ways and Means, reported back C. B. No. 43, "To provide compensation for the Code Commissioners," with recommendation that it be referred to the Joint Judiciary Committee. Report adopted, and the bill so referred.

Mr. Bullock, from the Committee on Towns and Counties, reported back C. B. No. 38 without amendment.

Mr. Warren moved to amend by submitting the question of levying a special tax to a vote of the people. The amendment was lost by the following vote:—

Ayes—Messrs. Bullock, Stapleton, Warren, and Mr. President—4.

Nays—Messrs. Beck, Collins, Fisher, Howe, Kinney, Laurence, Owen, and Stuart—8.

Absent on leave, Mr. Shoup.

Bill read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Collins, Fisher, Howe, Kinney, Owen, Stuart, and Mr. President—8.

Nays—Messrs. Bullock, Laurence, Stapleton, and Warren—4.

Absent on leave, Mr. Shoup.

Title agreed to.

Mr. Warren, from the Judiciary Committee, reported back C. B. No. 39, "Relating to probate courts," recommending that it be indefinitely postponed. Report adopted, and the bill indefinitely postponed.

Also, C. B. No. 44, "In relation to declaring offices vacant, with amendments." Report adopted, and the bill ordered engrossed.

Mr. Bullock gave notice of a bill to provide that the several counties may change their county seats under certain conditions.

H. B. No. 15, "In relation to quartz lodes," read first and second times, and referred to the Committee on Mines and Minerals.

H. B. No. 8, "To prevent bulls from running at large," read first and second times, and referred to the Committee on Agriculture.

Special order postponed for half an hour.

H. B. No. 44, "To amend an Act in relation to counties and

county officers," read first and second times, and referred to Judiciary Committee.

C. B. No. 6 was taken up, and Conference Committee's amendments thereto not concurred in by the following vote:—

Ayes—None.

Nays—12.

Absent on leave, Mr. Shoup.

Bill referred to Conference Committee.

C. B. No. 33, "Relating to brands and marks," was taken up, and the House amendments thereto concurred in by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, Warren, and Mr. President—11.

Nay—Mr. Beck—1.

Absent on leave, Mr. Shoup.

Bill ordered enrolled.

Council went into Committee of the Whole on special orders to consider C. B. No. 45, "To provide for the insane," Mr. Fisher in the chair.

Council resumed—Mr. President in the chair.

Mr. Fisher, from the Committee of the Whole, reported back C. B. No. 45, "To provide for the insane," with amendments, and recommended that it pass as amended. Report adopted.

H. B. No. 25, "Alien Law," was taken up, read third time, and the bill re-committed to a special committee of three, consisting of Collins, Warren, and Fisher, with instructions to report at 2.30 P. M. to-day.

Mr. Collins, from the Committee on Education, reported back H. B. No. 6, "School law," with amendments. Bill and amendments made the special order for 3 o'clock P. M. to-day.

Mr. Kinney, from the Committee on Ways and Means, reported back C. B. No. 30, "Relating to the division of counties into revenue districts," with amendments. Amendments adopted, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—11.

Nays—None.

Excused from voting—Mr. Warren. Absent on leave, Mr. Shoup.

Title agreed to.

Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

Absent on leave, Mr. Shoup.

Mr. Collins, from Joint Committee on Enrolment, reported H. J. R. No. 7, "Authorizing the Secretary to discharge certain duties," and H. Bs. Nos. 23, "Funding law;" 38, "To survive certain actions;" 45, "To authorize the Governor to make certain contracts"—correctly enrolled.

Mr. Bullock introduced C. B. No. 46, "In relation to changing county seats." Read first and second times, and referred to Committee of the Whole.

Mr. Warren introduced C. B. No. 47, "Concerning last wills and testaments." Read first and second times, and referred to Judiciary Committee.

Also, C. B. 48, "In relation to executors and administrators." Read first and second times, and referred to Judiciary Committee.

H. B. No. 42, "Concerning county warrants." Read first and second times, and referred to Committee on Ways and Means.

Mr. Collins, from special committee, reported back H. B. No. 25, "Alien law," without amendments, and recommending its passage as received from the House. Report adopted. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Laurence, Owen, Stapleton, Stuart, Warren, and Mr. President—10.

Nays—Mr. Kinney.

Absent, Mr. Collins; absent on leave, Mr. Shoup.

Title agreed to.

Pending the announcement of the vote, Mr. Warren moved a call of the Council. Call ordered.

Roll called—absent, Mr. Collins.

Sergeant-at-arms directed to bring in the absentee. Mr. Collins reported in his seat.

The further call of the Council dispensed with.

Communication from the House, through Assistant Clerk Word, announcing the passage in that body of H. B. No. 58, "Concerning the appropriation of moneys collected from license taxes." Read first and second times, rules suspended, read third time, by its title, and passed by the following vote:—

Ayes—12.

Nays—None.

Absent on leave, Mr. Shoup.

Title agreed to.

Mr. Warren, from Judiciary Committee, reported back H. B. No. 54, "To legalize certain acts of officers in Gallatin County, with recommendation that the same do not pass. Made a special order for Monday, at 11 o'clock.

Mr. Howe, from the Committee on Engrossment, reported amendments to H. B. No. 22, "Concerning elections," correctly engrossed. Read third time, and passed as amended, by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Howe, Kinney, Owen, Stapleton, Stuart, Warren, and Mr. President—10.

Nays—Messrs. Fisher and Laurence—2.

Absent on leave, Mr. Shoup.

Title agreed to.

Mr. Stuart, from the Committee on Agriculture, reported back H. B. No. 8, "To prevent bulls from running at large," recommending its passage. Bill read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Owen, Stuart, and Warren—7.

Nays—Messrs. Collins, Kinney, Laurence, Stapleton, and Mr. President—5.

Absent on leave, Mr. Shoup.

Title agreed to.

Mr. Stapleton, from the Committee on Mines and Minerals, reported back H. B. No. 5, "Concerning quartz lodes," with recom-

mentation that it do not pass. Read third time, and lost by the following vote:—

Aye—Mr. President—1.

Nays—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, and Warren—11.

Absent on leave, Mr. Shoup.

Also, H. B. No. 49, "To amend an Act concerning limitations," recommending its passage; read for information and referred to a special committee consisting of Collins, Beck, and Stapleton.

Mr. President announced that he had just signed H. J. R. No. 7, "Authorizing the Secretary to discharge certain duties;" H. Bs. Nos. 23, "Funding Law," 38, "To survive certain actions of deceased persons," and 45, "To authorize the Governor to contract on account of territorial convicts."

Special order H. B. No. 6, "School Law," read as amended, rules suspended, Council amendments considered engrossed. Read third time by its title, and passed by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, Warren, and Mr. President—11.

Nay—Mr. Beck—1.

Absent on leave, Mr. Shoup.

Title agreed to.

Mr. Laurence offered a resolution instructing Standing Committees to report all bills in their hands to the Council by Monday next. Adopted.

Mr. Beck introduced C. J. R. No. 9, "Making certain inquiries of the Governor." Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Howe, Kinney, Owen, Stapleton, Stuart, Warren, and Mr. President—10.

Nays—Messrs. Collins and Laurence—2.

Absent on leave, Mr. Shoup.

Title agreed to.

Communication from the House, through Assistant Clerk Word, announcing the passage by that body of H. B. No. 32, "An Act to provide for the collection of revenue." Read first and second

times, rules suspended, read third time, and passed by the following vote:—

Ayes—12.

Nays—None.

Absent on leave, Mr. Shoup.

C. B. No. 42, "Concerning water rights," referred to special committee, consisting of Messrs. Beck, Laurence, and Stuart.

Council took a recess until 6 o'clock, P. M. to-day.

EVENING SESSION.

Council resumed, Mr. Stuart called to the chair.

Roll called—quorum present.

Absent, Messrs. Beck, Collins, Warren, and Mr. President; absent on leave, Mr. Shoup.

Mr. Laurence, from Joint Judiciary Committee, reported back C. B. No. 48, "In relation to executors and administrators," with recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, and Stuart—8.

Nays—None.

Absent, Messrs. Beck, Collins, Warren, and Mr. President; absent on leave, Mr. Shoup.

Title agreed to.

Also, C. B. No. 47, "In relation to last wills and testaments," with the recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, and Stuart—8.

Nays—None.

Absent, Messrs. Beck, Collins, Warren, and Mr. President; absent on leave, Mr. Shoup.

Title agreed to.

Mr. Stapleton, from the Joint Special Committee, to consider H. B. No. 37, "In relation to the support of the poor," reported the same back without recommendation. Report received and the committee discharged.

Mr. Collins moved a call of the Council.

Roll called—absent, Messrs. Beck, Warren, and Mr. President.
The Sergeant-at-Arms was ordered to bring in the absentees.

Absentees reported in their seats, and further call dispensed with.

The Council went into Committee of the Whole on Special Order to consider C. B. No. 46, "Authorizing the change of county seats," Mr. Collins in the chair.

Council resumed, Mr. President in the chair.

Mr. Howe, from Engrossment Committee, reported C. B. No. 15, "To provide for the registry of births and deaths," correctly engrossed. Bill read third time, and passed by the following vote:—

Ayes—12.

Nays—None.

Absent on leave, Mr. Shoup.

Title agreed to.

Also, C. B. No. 44, "Authorizing offices to be declared vacant," correctly engrossed. Read third time, and passed by the following vote:—

Ayes—12.

Nays—None.

Absent on leave, Mr. Shoup.

Title agreed to.

Council adjourned until 10 o'clock, January 8th.

THIRTY-SIXTH DAY.

January 8, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—absent, Mr. Shoup, on leave.

Mr. Shoup was granted an indefinite leave of absence on account of illness.

Quorum present.

Prayer by the Chaplain.

Minutes of Saturday read and adopted.

The President announced that he had just signed H. Bs. Nos. 8, "To prevent bulls from running at large," and 22, "Concerning elections."

Mr. Owen presented a petition from W. W. Filkerson and 162 other citizens of Missoula County. Read and referred to Committee on Towns and Counties.

A communication was received from the Governor, through his Private Secretary, George Callaway, "Concerning immigration." Read and referred to the Committee on Immigration.

Mr. Collins, from the Special Committee, to whom was referred H. B. No. 49, "Concerning limitations," reported the same back, recommending that it do pass. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Owen, Stapleton, Stuart, and Mr. President—10.

Nays—Messrs. Laurence and Warren—2.

Absent on leave, Mr. Shoup.

Title agreed to.

Mr. Collins, from the Joint Committee on Enrolment, reported H. Bs. No. 33, "In relation to County Commissioners," and No. 58, "Concerning the disposition of revenues derived from licenses," correctly enrolled.

Mr. Laurence, from the Judiciary Committee, reported back C. B. No. 43, "To provide for the payment of the Code Commissioners," with recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Collins, Fisher, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, and Mr. President—10.

Nay—Mr. Bullock—1.

Absent on leave, Mr. Shoup.

Excused from voting, Mr. Warren.

Title agreed to.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT, TERRITORY OF MONTANA,
Virginia City, January 8, 1872.

TO THE COUNCIL:—C. B. No. 14, entitled "An Act to provide for the compensation of Newton Dickenson for services rendered

the Territory of Montana," is hereby returned to the Council without my approval.

The passage of this bill establishes a dangerous precedent for the future, and offers a premium for negligence on the part of officers in charge of the county jails of the territory.

The compensation allowed by this bill is so large that it will be an inducement, for officers who are not above suspicion, to corruptly or negligently permit prisoners to escape, that they may pursue and recapture them, and demand a thousand dollars for their services, and cite the act of the Legislature allowing Newton Dickenson one thousand dollars for similar services as a precedent.

No such precedent should be established, to be cited for evil only in the future. Pass this bill, and it is only the opening of a new avenue through which the hard earnings of the people will pass.

I respectfully ask the Legislative Assembly to pause and reconsider their action on this bill.

Respectfully,

B. F. POTTS,

Governor.

On motion, the Council reconsidered the vote by which C. B. No. 14 passed the Council, and upon the question "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" it was passed by the following vote:—

Ayes—Messrs. Beck, Collins, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, Warren, and Mr. President—10.

Nays—Messrs. Bullock and Fisher—2.

Absent on leave, Mr. Shoup.

There being more than a two-third vote in favor of the passage of the bill, the President announced its passage over the veto of the Governor.

A communication was received from the House, through Chief Clerk Ezekiel, announcing notices of the introduction and passage of bills in that body.

Mr. President announced that he had just signed H. Bs. No. 33, "In relation to County Commissioners," No. 58, "Concerning

the disposition of certain revenues," and C. B. No. 31, "To provide for pay of members of the Legislative Assembly."

Mr. Warren, from the Judiciary Committee, reported back C. B. No. 16, "To establish the fees of the Clerk of the Supreme Court," without recommendation. Read third time, and lost by the following vote:—

Ayes—Messrs. Beck, Collins, Owen, Warren, and Mr. President—5.

Nays—Messrs. Bullock, Fisher, Howe, Kinney, Laurence, Stapleton, and Stuart—7.

Absent on leave, Mr. Shoup.

Also, C. B. No. 40, "To provide additional compensation to Probate Judges of certain counties," without recommendation. Read third time, and indefinitely postponed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Stapleton, Stuart, and Warren—9.

Nays—Messrs. Laurence and Owen—2.

Absent on leave, Mr. Shoup.

Mr. Stuart introduced C. B. No. 49, "Relating to counties and county officers." Read first and second times, and referred to the Judiciary Committee.

Mr. Collins, from the Joint Committee on Enrolment, announced that C. B. No. 31, "Relating to pay of members of the Assembly," was presented to the Governor for his approval at 11 o'clock, A. M., this day.

A communication was received from the Governor, through his private secretary, Callaway, announcing that he had approved C. B. No. 31.

H. B. No. 54, "To legalize certain acts of certain officers of Gallatin County," was taken up under special order, read for information, and re-referred to special committee, consisting of Messrs. Collins, Stapleton, Stuart, and Kinney. Stapleton was subsequently excused from serving on said committee.

Mr. Stuart introduced C. B. No. 50, "Concerning elections." Read first and second times, and recommitted to the member from Deer Lodge, Mr. Stuart.

H. B. No. 36, "Concerning estrays." Read first and second times, and referred to the Committee on Towns and Counties.

H. J. R. No. 9, "In relation to pay for newspapers." Read first and second times, and referred to the Committee on Federal Relations.

C. B. No. 46, was taken up, amendments adopted, and ordered engrossed.

Mr. Collins, from Joint Committee on Enrolment, reported C. B. No. 33, "Concerning brands and marks," and C. J. M. No. 2, "In relation to school lands," correctly enrolled.

The Committee on Federal Relations reported back H. J. R. No. 9, "To pay for newspapers," recommending its passage. Report adopted, read a third time, and passed by the following vote:—

Ayes—Messrs. Beck, Collins, Howe, Kinney, Owen, Stapleton, Stuart, Warren, and Mr. President—9.

Nays—Messrs. Bullock, Fisher, and Laurence—3.

Absent on leave, Mr. Shoup.

Title agreed to.

Council took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

Mr. Fisher excused for the day.

Mr. Stapleton, from the Committee on Internal Improvements, reported H. B. No. 51, "Lien law," with recommendation that it do pass. Recommended to a special committee, consisting of Messrs. Warren, Laurence, and Collins.

Mr. Bullock, from the Committee on Towns and Counties, reported back H. B. No. 36, "Concerning estrays," with the recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Howe, Kinney, Laurence, Owen, Stuart, Warren, and Mr. President—8.

Nays—Messrs. Bullock, Howe, and Stapleton—3.

Absent, Mr. Owen; absent on leave, Messrs. Fisher and Shoup.

Mr. Collins, from the Select Committee, reported back H. B. No. 54, "To legalize the action of officers of Gallatin County," with recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Collins, Kinney, Laurence, Owen, Stuart, Warren, and Mr. President—8.

Nays—Messrs. Bullock, Howe, and Stapleton—3.

Absent on leave, Messrs. Fisher and Shoup.

Title agreed to.

C. B. No. 45, "To provide for the insane," was taken up, and made the special order for 10.30 A. M., to-morrow.

Mr. Collins offered C. J. R. No. 10, "To compensate to A. V. Corry, for services rendered to Council Committee on Education. Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, Warren, and Mr. President—11.

Nays—None.

Absent on leave, Messrs. Fisher and Shoup.

Title agreed to.

Mr. Collins, from the Joint Committee on Enrolment, reported C. J. M. No. 2, "In relation to school lands," presented to the Governor for his approval at 2 o'clock, P. M., this day.

Council took a recess of thirty minutes.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

The Joint Judiciary Committee introduced C. B. No. 51, "Fee bill," which was made the special order for 7 o'clock this evening.

Mr. Warren, from the Judiciary Committee, reported back C. B. No. 49, "Relating to counties and county officers," with recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Howe, Kinney, Laurence, Stapleton, Stuart, Warren, and Mr. President—10.

Nay—Mr. Owen—1.

Absent on leave, Messrs. Fisher and Shoup.

Title agreed to.

Mr. Warren gave notice that he would, on to-morrow, move a reconsideration of the vote by which H. B. No. 54, "To legalize certain acts of certain officers of Gallatin County," passed the Council.

Mr. Collins moved the reconsideration of said vote to-day. Pending the motion to reconsider, the Council took a recess until 6.30 P. M., this day.

6.30, P. M.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

Special order C. B. No. 51, "Fee bill," was taken up, read first and second times, and the rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Stapleton, Stuart, Warren, Mr. President—11.

Nays—Mr. Owen—1.

Absent on leave, Mr. Shoup.

Title agreed to.

A communication from the House, through Assistant Clerk Word, was received, announcing the notices and introduction and passage of bills in that body.

Mr. Stuart, from the Committee on Immigration, to whom was referred the communication from the Governor, concerning immigration, reported C. J. R. No. 11. Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—12.

Nays—None.

Absent on leave, Mr. Shoup.

Title agreed to.

Mr. Stuart reported back C. B. No. 50, "In relation to Elections." Read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Howe, Kinney, Laurence, Stapleton, Stuart, Warren, and Mr. President—9.

Nays—None.

Absent—Messrs. Collins and Owen ; absent on leave, Messrs. Fisher and Shoup.

Title agreed to.

Mr. Laurence gave notice that he would, on to-morrow, move a reconsideration of the vote by which C. B. No. 16, "Concerning Fees of the Clerk of Supreme Court," was lost in the Council.

On motion of Mr. Warren, the Committee on Elections was instructed to report back H. B. No. 26, "Concerning apportionment," to-morrow morning.

Mr. Collins gave notice that he would, on to-morrow, move the reconsideration of the vote by which C. B. No. 51, "Fee bill," passed the Council.

Council adjourned until to-morrow morning, at 10 o'clock.

THIRTY-SEVENTH DAY.

January 9, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Prayer by the Chaplain.

Minutes of yesterday read and adopted.

Mr. Kinney, from Committee of Ways and Means, reported back H. B. No. 42, "Concerning county warrants," with amendments, and recommended its passage as amended. Amendments adopted, and ordered engrossed.

Mr. Howe, from the Committee on Engrossment, reported back C. B. No. 46, "To allow counties to change county seats," correctly engrossed.

Motion to indefinitely postpone was lost by the following vote:—

Ayes—Messrs. Beck, Collins, Fisher, Kinney, Owen, and Stuart—6.

Nays—Messrs. Bullock, Howe, Laurence, Shoup, Stapleton, Warren, and Mr. President—7.

Bill read third time and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Laurence, Shoup, Stapleton, Warren, and Mr. President—7.

Nays—Messrs. Collins, Fisher, Howe, Kinney, and Owen—6.

Title agreed to.

Mr. Beck gave notice that he would, on to-morrow, move a reconsideration of the vote on C. B. No. 46.

Mr. Beck, from the Committee on Federal Relations, reported H. B. No. 29, "Concerning compensation of L. McMurtry," without recommendation. Read third time, and passed by the following vote:—

Ayes—Messrs. Howe, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—8.

Nays—Messrs. Beck, Bullock, Fisher, and Kinney—4.

Absent, Mr. Collins.

Mr. Kinney offered C. J. R. No. 12, "To pay G. H. Clark and Thomas Lloyd." Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—12.

Nays—None.

Absent, Mr. Collins.

Title agreed to.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT, TERRITORY OF MONTANA, }
VIRGINIA CITY, January 8, 1872. }

To the Council:—

I return to the Council C. B. No. 29, entitled "An Act relative to litigants," without my signature. The operation of this bill will trammel the official acts of certain officers, and can serve no good purpose. Sheriffs are required to advertise and sell property on execution in the manner and form prescribed by law; and

if they fail to comply with the law, they are liable, on their official bonds, to the party injured. This bill provides that the litigants or their attorneys of record, shall control the advertisements of the sheriffs, and yet *they* are held responsible that the advertising has been done according to law.

If this bill is intended to serve any good purpose, it should provide that sheriffs be released from all legal responsibility for a non-compliance with the law relating to the advertisement of property to be sold on execution.

The plaintiff in an action has always been authorized to control the necessary advertisements before judgment; but for the first time in the history of any State or Territory, so far as my knowledge extends, has the Legislature assumed to authorize either party to an action to control any advertisements after judgment has been rendered.

I have been unable to discover any good reason for the passage of this bill, nor have I heard a reason advanced by any person, why such a bill should become a law.

I return the bill to the Council for its further consideration.

Respectfully,

B. F. POTTS,

Governor.

On motion of Mr. Warren, the message was made the special order for 3 P. M. to-day.

H. B. No. 61, "In relation to redemption of the funded debt of Lewis and Clarke," read first and second times, and referred to the Committee on Towns and Counties.

H. B. No. 40, "Concerning duties of the Secretary of the territory," read first and second times, and referred to the Judiciary Committee.

H. B. No. 56, "In relation to immigration," read first and second times, and referred to Committee on Immigration.

The President announced that he had just signed H. B. No. 25, "Alien Law," H. J. R. No. 9, "To pay for newspapers," and C. B. No. 33, "In relation to brands and marks."

Communication from the Governor, through his Private Secre-

tary, Mr. Callaway, in reply to C. J. R., received, read, and made special order for to-morrow, at 10.30 o'clock, A. M.

Mr. Collins, from the Joint Committee on Enrolment, reported C. B. No. 33, "In relation to brands and marks," presented to the Governor for his approval at 10.45 o'clock this day.

Mr. Howe, from Engrossing Committee, reported C. J. R. No. 12, "To pay Lloyd and Clark," correctly engrossed.

Communication from the Territorial Auditor, in relation to claim against the United States. Read, and referred to Committee on Ways and Means.

A communication from the Governor was received, through his Private Secretary, Mr. Callaway, announcing his approval of C. J. M. No. 2, "In relation to school lands."

Special order, C. B. No. 45, "Insane law," taken up, and Council went into Committee of the Whole to consider it, Mr. Stapleton in the chair.

Council resumed.

Mr. Stapleton, from the Committee of the Whole, reported back C. B. No. 45, without recommendation.

The Council resumed the consideration of the bill, and amended Section 1.

Mr. Owen, from the Committee on Printing, introduced C. J. R. No. 13, "To pay for printing." Read first and second times, and referred to Committee on Printing.

Mr. Fisher moved that C. B. No. 45, at amended, be ordered engrossed.

Mr. Warren moved that the motion be made the special order for 2 o'clock, P. M. Ruled out of order. Appeal taken to the Council. The decision of the President sustained by the following vote:—

Ayes—Messrs. Beck, Bullock, Fisher, Kinney, Laurence, Shoup, and Stapleton—8.

Nays—Messrs. Collins, Howe, Owen, and Warren—4.

Mr. Warren moved to lay the motion on the table. Ayes and nays called.

Mr. Warren asked to be excused.

Mr. Fisher objected.

The chair decided he could not be excused.

Mr. Warren appealed from the decision of the chair. Chair sustained.

Mr. Warren moved to adjourn. The motion was lost.

The bill was then ordered engrossed by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Kinney, Laurence, Stapleton, and Stuart—7.

Nays—Messrs. Beck, Howe, Owen, Shoup, Warren, and Mr. President—6.

Mr. Beck, from the Committee on Elections, reported on H. B. No. 26, "Apportionment bill," and asked for further time, which was granted.

The Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—absent, Mr. Owen.

Quorum present.

The Committee on Elections were instructed to report back H. B. No. 26, "Apportionment bill," in half an hour.

Call of the Council ordered.

Roll called.

Absent, Mr. Collins.

Sergeant-at-Arms was directed to bring in the absentee.

Mr. Collins reported in his seat.

Further call dispensed with.

Mr. Beck, from Committee on Elections, reported back H. B. No. 26, "Apportionment bill." Made special order for 2.30, P. M., to-day.

Mr. Howe, from the Committee on Engrossment, reported back amendments to H. B. No. 42, "Concerning county warrants," correctly engrossed. Read third time, as amended, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stuart, and Warren—11.

Nays—Mr. Stapleton and Mr. President—2.

Title agreed to.

Mr. Stuart, from the Committee on Immigration, reported back H. B. No. 57, with recommendation that it do not pass. Read third time, and lost by the following vote:—

Ayes—Messrs. Beck, Owen, Stapleton, and Mr. President—4.

Nays—Messrs. Bullock, Collins, Fisher, Howe, Kinney, Lawrence, Shoup, Stuart, and Warren—9.

Mr. Warren gave notice that he would, on to-morrow, move a reconsideration of the vote by which H. B. No. 57 was lost in the Council.

Mr. Bullock, from Committee on Towns and Counties, reported back H. B. No. 61, "In relation to the funded debt of Lewis and Clarke County," with recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—12.

Nay—Mr. Warren—1.

Title agreed to.

Mr. Collins, from the Joint Committee on Enrolment, reported H. B. No. 36, "An Act concerning estrays," correctly enrolled.

Mr. Owen, from the Committee on Printing, reported back C. J. R. No. 13, "To pay for printing," with recommendation that it do pass. Read third time and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

Special order for 2.30 o'clock, H. B. No. 26, "Apportionment bill," was read for information.

Mr. Warren offered an amendment, which was lost.

The further consideration of the bill was postponed until 7 o'clock this evening, and the Committee on Elections directed to report thereon at that hour.

A communication from the House, through Assistant Clerk Word, announcing the passage of bills in that body.

C. B. No. 43, "To pay Code Commission," was taken up, the House amendments read and concurred in. Ordered enrolled.

Special order to consider the message of the Governor, concerning C. B. No. 29, "In relation to the rights of litigants." The vote by which the bill passed the Council was reconsidered, and upon the question, "Shall the bill pass, the objections of the

Governor to the contrary notwithstanding," the bill was passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—11.

Nays—Messrs. Collins and Fisher—2.

The same being more than two-thirds of the Council in favor, the President thereupon announced that the bill had passed the Council over the veto of the Governor.

Mr. Kinney introduced C. J. M. No. 3, "In relation to claims of citizens of Montana." Read first and second times, and referred to Committee on Federal Relations.

Mr. Bullock introduced C. J. M. No. 4, "In relation to the boundaries of Montana." Read first and second times, and referred to Committee on Federal Relations.

Also, C. J. M. No. 5, "In relation to an appropriation for a university." Read first and second times, and referred to the Committee on Education.

Mr. Warren moved a reconsideration of the vote by which H. B. No. 54 passed the Council. Motion laid on the table by the following vote:—

Ayes—Messrs. Beck, Collins, Kinney, Laurence, Owen, Stuart, and Mr. President—7.

Nays—Messrs. Bullock, Fisher, Howe, Shoup, Stapleton, and Warren—6.

Mr. Collins moved a reconsideration of the vote by which C. B. No. 51, Fee Bill, passed the Council. Motion laid on the table.

C. B. No. 12, reported back with recommendation that it be indefinitely postponed. Report adopted and bill so disposed of.

Council took a recess until 7 o'clock, P. M.

EVENING SESSION.

SEVEN O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

Mr. Beck, from the Committee on Elections, reported on H. B. No. 26, recommending amendments. Report adopted by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Laurence, and Owen—7.

Nays—Messrs. Kinney, Shoup, Stapleton, Stuart, Warren, and Mr. President—6.

Call of the Council ordered.

Roll called—absent, Mr. Collins.

Sergeant-at-Arms directed to bring in the absentee.

Further call dispensed with.

Council went into Committee of the Whole to consider H. B. No. 26, Mr. Stapleton in the chair.

Council resumed, Mr. President in the chair.

Mr. Collins, from Joint Committee on Enrolment, reported C. J. R. No. 10, "Pay for Corry, for services as clerk to committee," C. B. No. 22, "Concerning licenses," H. B. No. 49, "Concerning limitations," H. B. No. 29, "For the relief, L. McMurty," C. B. No. 30, "Concerning Revenue Districts," C. B. No. 43, "To pay Code Commissioners," correctly enrolled.

Mr. President announced that he had just signed C. Bs. Nos. 30, 32, and 43, and H. Bs. Nos. 29, 36, and 49, and C. J. R. No. 10.

Mr. Bullock, from the Committee on Towns and Counties, introduced C. B. No. 52, "An Act creating the county of Owen."

Mr. Warren offered an amendment to H. B. No. 26, moved its adoption, and upon that motion moved the previous question. Previous question ordered and amendment adopted, and amendment ordered engrossed.

Council took a recess until 8.30, this evening.

Council resumed, Mr. President in the chair.

Roll called—all present.

Communication from the House, through Assistant Clerk Word, announcing the passage of bills in the House.

H. B. No. 63, "To provide for the compensation of A. M. S. Carpenter," read first and second times, and referred to the Committee of Ways and Means.

H. B. No. 52, "Concerning stallions," read first and second times, and referred to the Committee on Towns and Counties.

H. B. No. 41, "Creating the office of county attorney," read

first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Kinney, Laurence, Owen, Stapleton, Stuart, and Warren—9.

Nays—Messrs. Fisher, Howe, and Mr. President—3.

Absent on leave, Mr. Shoup.

Title agreed to.

Council took a recess until 10 o'clock, this evening.

TEN O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll call—absent, Messrs. Beck and Howe; absent on leave, Mr. Shoup.

Mr. Collins, from the Joint Committee on Enrolment, reported that he had presented C. Bs. No. 32, "License Law," No. 43, "For pay of Code Commissioners," and C. J. R. No. 10, "To pay Corry for certain services at the Executive office," for the approval of the Governor at 9 o'clock, this evening.

The Council adjourned until 10 o'clock, to-morrow morning.

THIRTY-EIGHTH DAY.

January 10, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—quorum present.

Absent, Messrs. Owen and Beck.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Bullock, from Committee on Towns and Counties, reported back H. B. No. 52, "Concerning stallions," with recommendation that it do not pass. Bill indefinitely postponed.

Mr. Collins, from Committee on Education, reported back C. J. M. No. 5, with recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—11.

Nays—None.

Absent, Messrs. Beck and Owen.

Title agreed to.

Mr. Howe, from Committee on Engrossment, reported C. B. No. 45, "Concerning the insane," correctly engrossed. Read third time, and recommitted to Engrossing Committee with instructions.

Mr. Collins, from Joint Committee on Enrolment, reported C. B. No. 30, "Concerning revenue districts," presented to the Governor for his approval at 9.30 o'clock, A. M., this day.

Council took up special order, the consideration of the Governor's reply to C. C. R. No. 9; made special order for this evening at 7 o'clock.

Call of the Council ordered pending action on C. B. No. 45.

Roll called; absent, Mr. Collins.

Sergeant-at-arms directed to bring in the absentee.

Mr. Collins reported in his seat. Further call dispensed with.

A communication from the Governor, through his Private Secretary, Callaway, announcing his approval of C. Bs. Nos. 32, "License Law," 30, "Concerning the division of the counties into revenue districts," and C. J. R. No. 10, "To pay A. V. Corry for services as committee clerk."

Mr. Kinney, from Committee on Ways and Means, reported H. B. No. 63, without recommendation. Read third time, and laid on the table until to-morrow at 2 o'clock.

Mr. Beck, from Committee on Federal Relations, reported back C. J. M. No. 4, with amendments. Amendments adopted, and ordered engrossed.

Also, C. J. M. No. 3, with recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—12.

Nays—none.

Absent, Mr. Howe.

Title agreed to.

Also, H. J. M. No. 1, with recommendation that it do pass. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Kinney, Laurence, Owen, Shoup, Stuart, and Warren—8.

Nays—Messrs. Collins, Fisher, Stapleton, and Mr. President—4.

Absent, Mr. Howe.

Title agreed to.

Mr. Stuart, under leave, without notice, introduced C. B. No. 53, "Capital bill." Read first and second times, and referred to a Special Committee, consisting of Messrs. Laurence, Stuart, and Warren.

Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—quorum present.

A communication from the Governor, through his Private Secretary, Callaway, announcing that he had this day approved C. Bs. Nos. 33 and 36.

The President announced that he had just signed C. B. No. 50, "Election law," H. Bs. No. 61, "In relation to the funded debt of Lewis and Clarke County," No. 42, "In relation to county warrants," and No. 51, "In relation to county attorneys."

A communication from the House, through Assistant Clerk Word, announcing the passage of bills in that body.

Mr. Laurence, from the Special Committee on C. B. No. 53, "Capital bill," reported the same back with recommendation that it do pass. A motion to suspend the rules and place the bill to a third reading was lost by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Howe, Laurence, Shoup, Stuart, and Mr. President—8.

Nays—Messrs. Beck, Kinney, Owen, Stapleton, and Warren—5.

The motion, having failed to receive two-thirds of the votes, was declared lost.

Mr. Warren gave notice that he would on to-morrow introduce a bill to change the name of Dawson County.

C. B. No. 52, "To create the county of Owen," read first and second times, and referred to the Committee on Towns and Counties.

C. B. No. 38, "To authorize a special tax in Jefferson County," was taken up, House amendments read, and the bill, with amendments, referred to the Jefferson County delegation.

Mr. Howe, from Engrossment Committee, reported Council amendments to H. B. No. 26, "Apportionment bill," correctly engrossed. Read third time as amended, and passed by the following vote:—

Ayes—Messrs. Kinney, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—7.

Nays—Messrs. Beck, Bullock, Collins, Fisher, Howe, and Laurence—6.

Title agreed to.

Mr. Warren moved a reconsideration of the vote, and, on motion, the motion to reconsider was indefinitely postponed.

Mr. Warren introduced C. B. No. 54, "To change the name of Dawson County." Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Howe, Kinney, Laurence, Owen, Stapleton, Stuart, Warren, and Mr. President—11.

Nay—Mr. Shoup—1.

Excused, Mr. Fisher.

Title agreed to.

Mr. Howe, from the Committee on Engrossment, reported back C. B. No. 45, "Insane bill," corrected. Read for information, and lost by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Kinney, Stapleton, and Stuart—6.

Nays—Messrs. Beck, Howe, Laurence, Owen, Shoup, Warren, and Mr. President—7.

H. J. R. No. 10, was read first and second times, rules suspended, read a third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Owen, Shoup, Stapleton, Stuart, and Warren—11.

Nays—Mr. Laurence and Mr. President—2.

Title agreed to.

The Council took a recess until 6.30 P. M.

6.30 P. M.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Mr. Howe, from the Committee on Engrossment, reported back Council joint memorial No. 4, correctly engrossed. Recommended to the Committee on Federal Relations.

Mr. Warren, from the Judiciary Committee, reported back H. B. No. 40, "Concerning fees of the Secretary," and recommended its passage. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Shoup, Stuart, Warren, and Mr. President—11.

Nays—Messrs. Owen and Stapleton—2.

Title agreed to.

Also, H. B. No. 44, "In relation to counties and county officers," and recommended its passage. Rules suspended and read third time by title, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Shoup, Stuart, Warren, and Mr. President—11.

Nays—Messrs. Owen and Stapleton—2.

Title agreed to.

Mr. Fisher, from Special Committee, reported back C. B. No. 38, with House amendments, and recommended its indefinite postponement. Report adopted, and the bill indefinitely postponed.

Mr. Collins, from the Joint Committee on Enrolment, reported C. B. No. 50, "In relation to elections," presented to the Governor for his approval at 4.30 o'clock P. M. to-day.

Mr. Bullock introduced C. J. M. No. 6, "In relation to the Burlingame treaty." Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—13.

Nays—None.

Title agreed to.

Mr. Warren introduced Council concurrent resolution number 14. Read first and second times, rules suspended, considered engrossed, read a third time, and passed by the following vote:—

Ayes—12.

Nay—Mr. Shoup—1.

Title agreed to.

Special order for 7 o'clock this evening postponed, and made the special order for Friday at 7 P. M.

Mr. Collins, from the Committee on Enrolment, reported House bills numbers 32 and 54 correctly enrolled.

Council went into Executive session, to consider a communication of the Governor.

Council resumed.

The Chief Clerk was instructed to notify the Governor that the Council had confirmed the nomination of Richard O. Hickman as Treasurer of Montana Territory for the period of two years from the 20th day of July, 1871.

Council adjourned until 10 o'clock, A. M., to-morrow.

THIRTY-NINTH DAY.

January 11, 1872.

Council met, pursuant to adjournment, Mr. President in the chair.

Roll called—all present.

Chaplain was granted indefinite leave of absence on account of illness.

Minutes of yesterday read and approved.

Council took a recess until 2 o'clock, P. M., to attend the funeral services of George H. Hanna, late a member of the Council of the Legislative Assembly of Montana Territory.

2.30 O'CLOCK, P. M.

Council resumed, Mr. Beck, President, *pro tem*, in the chair.

M. Roll called—quorum present.

Mr. Bullock, from Committee on Towns and Counties, reported back C. B. No. 52, "To create the county of Owen," with amendments. Report adopted, bill read third time, and re-committed with instructions.

Communication from the House, through Chief Clerk Ezekiel, announcing the introduction and passage of bills in that body.

H. B. No. 63, taken up, read third time, and lost.

H. B. No. 64, "For the relief of Missoula County." Read first and second times, and referred to Committee on Ways and Means.

H. B. No. 59, "To change the county seat of Gallatin County," read first and second times, and referred to the delegation from the Fourth Council District.

H. B. No. 47, "In relation to statistics," read first and second times, rules suspended, read third time, by its title, and passed by the following vote:—

Ayes—11.

Nays—none.

Absent, Mr. President.

Excused from voting, Mr. Laurence.

Title agreed to.

C. B. No. 53, "Capital bill." Read third time. Pending the vote on its passage, a call of the Council was ordered.

Roll called—absent, Mr. President.

Sergeant-at-arms directed to bring in the absentee.

The Sergeant-at-arms reported the absentee in his seat.

Further call of the Council dispensed with.

Mr. Warren moved to make C. B. No. 53, a special order for this evening, at 7 o'clock. Motion lost.

Mr. Laurence moved the previous question. Which was lost.

The bill was then passed by the following vote:—

Ayes—Messrs. Bullock, Collins, Fisher, Howe, Laurence, Shoup, Stuart, Warren, and Mr. President—9.

Nays—Messrs. Beck, Kinney, Owen, and Stapleton—4.

Title agreed to.

Mr. Fisher moved to reconsider the vote by which the bill passed.

Mr. Collins moved to lay that motion on the table. Which was carried.

On motion of Mr. Stapleton, the vote by which H. B. No. 63 was lost was reconsidered, and the bill placed on its final passage. Passed by the following vote :

Ayes—Messrs. Beck, Kinney, Laurence, Owen, Shoup, Stuart, Warren, and Mr. President—8.

Nays—Messrs. Bullock, Collins, Fisher, Howe, and Stapleton—5.

Title agreed to.

Mr. President announced that he had just signed H. B. Nos. 6, 32, and 54, H. J. R. No. 10, and H. J. M. No. 1.

A communication from the House was received, through Assistant Clerk Word, announcing the passage of H. J. R. No. 9 over the veto of the Governor. Message read; the vote by which the resolution was passed was reconsidered, and upon the question, "Will the Council, on reconsideration, agree to pass the bill?" the resolution passed by the following vote :

Ayes—Messrs. Beck, Bullock, Collins, Howe, Kinney, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—11.

Nays—Messrs. Fisher and Laurence—2.

More than two-thirds of the members having voted in the affirmative, the President declared the resolution passed, the objections of the Governor notwithstanding.

C. B. No. 54, "To change the name of Dawson County," was taken up, the House amendments concurred in, and the bill further amended, by inserting the word "John" before "Owen," wherever it occurs.

C. B. No. 4 was taken up, House amendments read and concurred in, and ordered enrolled.

Mr. Beck, from Committee on Federal Relations, reported back C. J. M. No. 4, recommending its passage. Read third time, and passed by the following vote :—

Ayes—13.

Nays—None.

Title agreed to.

Mr. Bullock, from the Committee on Towns and Counties, reported back C. B. No. 32, amending the Act by striking out the

word "Owen," wherever it occurs, and insert the words "Robert Fisher." Report adopted, rules suspended, bill considered engrossed, read third time by its title, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Laurence, Owen, Shoup, Warren, and Mr. President—7.

Nays—Messrs. Collins, Howe, Kinney, Stapleton, and Stuart—5.
Excused from voting, Mr. Fisher.

Mr. Mitchell moved to reconsider the vote by which the bill passed.

Mr. Owen moved to lay the motion to reconsider on the table. Motion lost.

The motion to reconsider the vote by which the bill was passed, was lost by the following vote:—

Ayes—Messrs. Collins, Howe, Kinney, Laurence, Stapleton, and Stuart—6.

Nays—Messrs. Beck, Bullock, Owen, Shoup, Warren, and Mr. President—6.

Excused from voting, Mr. Fisher.

The Council took a recess until 7 o'clock, this evening.

SEVEN O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

Mr. Warren in the chair.

Mr. Mitchell, under leave, without notice, introduced C. B. No. 55, "To provide increased compensation to the Justices of the Supreme Court of Montana." Read first and second times, rules suspended, read third time by its title, and passed by the following vote.

Ayes—Messrs. Beck, Howe, Laurence, Owen, Stuart, Warren, and Mr. President—7.

Nays—Messrs. Bullock, Fisher, Kinney, and Stapleton—4.

Absent, Messrs. Collins and Beck.

Title agreed to.

Mr. Collins, from the Joint Committee on Enrolment, reported H. Bs. Nos. 6, 32, and 54, H. J. R. No. 10, and H. J. M. No. 1, correctly enrolled.

The Council adjourned until to-morrow at ten o'clock, A. M.

FORTIETH DAY.

January 12, 1872.

Council met, pursuant to adjournment.

On motion of Mr. Bullock, Mr. Fisher was called to the chair.

Roll called—absent, Mr. President.

The minutes of yesterday were read and approved.

A communication from the Governor, through his Private Secretary, Mr. Callaway, was received, announcing his approval of C. B. No. 43, "To provide for the payment of the Code Commissioners," and C. B. No. 50, "An Act to amend an Act entitled 'An Act relative to Elections,'" also, transmitting a communication from the Land Office of the Northern Pacific Railroad Company. Which was read and referred to the Committee on Immigration.

Mr. Collins presented a petition from Mr. P. J. Winston, and sixty-four others, citizens of Meagher County. Petition read and referred to the Committee on Ways and Means.

Mr. Kinney, from the Committee on Ways and Means, reported back H. B. No. 64, "For the relief of Missoula County," and recommended its passage. Bill read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Howe, Collins, Owen, Stuart, Warren, Shoup, Fisher, Kinney, and Stapleton—11.

Nays—Messrs. Bullock and Laurence—2.

Absent, Mr. President.

Title agreed to.

Mr. Owen, from the Select Committee to examine the Auditor's

and Treasurer's books, and the books of the late Treasurer, reported thereon. Report received, and the committee discharged.

Mr. Collins, from the Special Committee, to whom was referred H. B. No. 59, "To authorize the citizens of Gallatin County to change the county seat of said county," reported the same back with the recommendation that it do not pass. Bill read third time, and lost by the following vote:—

Ayes—Messrs. Bullock, Fisher, Laurence, and Shoup—4.

Nays—Messrs. Beck, Collins, Howe, Kinney, Owen, Stapleton, Stuart, and Warren—8.

Absent, Mr. President.

Mr. Laurence gave notice that he would, at 2.30 o'clock, P. M. this day, move a reconsideration of the vote by which C. B. No. 55, "To provide extra or increased compensation to the justices of the Supreme Court," passed the Council.

Mr. Collins, from the Joint Committee on Enrolment, reported C. J. Rs. Nos. 5, 12, and 14, and C. Bs. Nos. 41 and 49, correctly enrolled.

Mr. Warren introduced C. J. R. No. 15, "In relation to the publishing of the laws." Read first and second times, rules suspended, resolution considered engrossed, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Fisher, Howe, Kinney, Owen, Shoup, Stapleton, Stuart, and Warren—11.

Nays—None.

Absent, Mr. Laurence and Mr. President.

Title agreed to.

C. B. No. 1, "In relation to the duties of County Treasurers, and the payment of county warrants," was taken from the table and referred to the Committee on Ways and Means.

The Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—all present.

Mr. Laurence introduced C. B. No. 56, "To repeal certain

acts." Read first and second times, and referred to the Judiciary Committee.

A communication was received from the House, through Chief Clerk Ezekiel, announcing the passage in that body of certain bills.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, "In relation to territorial convicts," which was read and referred to a Special Committee, consisting of Messrs. Laurence, Warren, and Owen.

Messrs. Fisher, Stuart and Owen, were appointed a Conference Committee on H. B. No. 26, "Apportionment bill."

H. B. No. 65, "In relation to liquor traffic," read first and second times and referred to the Committee on Education.

Mr. Collins, from the Joint Committee on Enrolment, reported C. Bs. Nos. 4, 41, 53, and 54. Also, H. Bs. Nos. 40, 44, 63, 47, and 64, and C. J. M. No. 3, correctly enrolled.

Mr. President announced that he had just signed C. Bs. Nos. 4, 49, 41, and 53. Also, H. Bs. Nos. 44, 40, 47, 63, and 64. Also, C. J. Ms. Nos. 3 and 5. Also, C. J. Rs. Nos. 12, 13, and 14.

Mr. Laurence, from the Special Committee, to whom was referred the special message of the Governor, "In relation to territorial convicts," reported the same back with C. J. R. No. 16, "In relation to the construction of H. B. No. 45," and amendatory thereof. Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—Messrs. Bullock, Collins, Howe, Kinney, Laurence, Shoup, Stapleton, and Mr. President—8.

Nays—None.

Absent on leave—5.

Mr. Collins, from the Committee on Education, reported back H. B. No. 65, and recommending its passage. Read third time, and passed by the following vote:—

Ayes—Messrs. Beck, Bullock, Collins, Kinney, Laurence, Shoup, Stapleton, Stuart, and Mr. President—9.

Nay—Mr. Howe—1.

Absent on leave—3.

Title agreed to.

Mr. Fisher, from the Conference Committee, reported upon H. B. No. 26, with recommendation. Report accepted and the committee discharged.*

Mr. Collins, from the Joint Committee on Enrolment, reported that he presented to the Governor for his approval, at 2.45 o'clock, this day, C. Bs. Nos. 4, 41, and 49. Also, C. J. M. No. 5. Also, C. J. Rs. Nos. 12, 13, and 14.

A communication was received from the House, through Assistant Clerk Word, announcing the action of that body on certain bills.

H. C. R. No. 11, "In relation to final adjournment," read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—10.

Nays—1.

Absent on leave—2.

Title agreed to.

Mr. Stuart, from the Committee on Immigration, reported concerning the Governor's message, "In relation to immigration." Report received and placed on file.

Mr. Collins, from the Joint Committee on Enrolment, reported that he presented to the Governor for his approval, at 3.10 o'clock, P. M., of this day, C. B. No. 53 and C. J. M. No. 3.

Council took a recess until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

Mr. Owen was granted leave of absence for the day.

Mr. President announced that he had just signed C. B. No. 54.

Mr. Bullock introduced C. J. R. No. 17, "For the relief of L. H. Geer." Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—8.

Nays—None.

Absent on leave—5.

A communication was received from the Governor announcing executive appointments, pending the consideration of which, the Council took a recess until 6 o'clock, P. M.

SIX O'CLOCK, P. M.

Council resumed, Mr. President in the chair.

Roll called—quorum present.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, announcing his approval of sundry Council bills.

A communication was received from the House, through Chief Clerk Ezekiel, announcing action in that body.

Mr. Collins, from the Joint Committee on Enrolment, reported C. B. No. 54, presented to the Governor for his approval, at 4 o'clock, P. M., this day. Also, that C. Bs. Nos. 47 and 48, H. B. No. 55, C. J. M. No. 4, were correctly enrolled.

Mr. President announced that he had just signed H. B. No. 55, also, C. Bs. Nos. 47 and 48, also, C. J. M. No. 4.

Mr. Mitchell, under leave, without previous notice, introduced C. B. No. 57, "An Act to amend 'An Act to provide for the custody and maintenance of the insane of the territory of Montana.'" Read first and second times, rules suspended, considered engrossed, read third time, by its title, and passed by the following vote:—

Ayes—Messrs. Beck, Fisher, Howe, Kinney, Laurence, Owen, Shoup, Stuart, Warren, and Mr. President—10.

Nays—Messrs. Bullock and Stapleton—2.

Excused from voting, Mr. Collins—1.

Title agreed to.

Mr. Beck, under leave, without previous notice, introduced C. B. No. 58, "To pay W. G. Barkley for amount overpaid by him to the territory." Read first and second times, rules suspended, considered engrossed, read third time, by its title, and passed by the following vote:—

Ayes—Messrs. Beck, Howe, Kinney, Laurence, Owen, Shoup, Stapleton, Stuart, Warren, and Mr. President—10.

Nays—Messrs. Bullock, Collins, and Fisher—3.

Title agreed to.

Mr. Collins introduced C. J. R. No. 18, "To pay clerks for extra work at night." Read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—13.

Nays—None.

Title agreed to.

H. J. R. No. 12, "To pay clerks." Read first and second times, rules suspended, read third time, and passed by the following vote:—

Ayes—12.

Nays—None.

Absent, Mr. Warren.

Title agreed to.

H. B. No. 26, "Apportionment bill taken up." Amendments of the Conference Committee read, and on motion the Council concurred therein.

Mr. Owen was granted leave to spread his protest against the passage of the bill, on the Journal.

Mr. Collins, from the Joint Committee on Enrolment, reported H. B. No. 65, and C. J. R. No. 17, correctly enrolled.

Council went into Executive Session.

Council resumed.

Mr. Warren introduced C. B. No. 59, "Codification of the general laws." Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—12.

Nays—None.

Excused, Mr. Shoup.

Title agreed to.

Mr. Warren introduced C. J. R. No. 19. Read first and second

times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—9.

Nays—1.

Excused, 3.

Title agreed to.

Mr. Bullock offered a resolution of thanks to the President and attachés of the Council, for their faithful discharge of official duties, which was unanimously adopted.

Mr. Collins, from the Joint Committee on Enrolment, reported H. B. No. 56; also, C. Bs. No. 58 and 59; also, H. J. R. No. 20, correctly enrolled.

Mr. President announced that he had just signed H. B. No. 56; also, C. Bs. Nos. 35, 46, 58, and 59; also, C. J. Rs. Nos. 16 and 17, and H. J. R. No. 12.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, announcing his approval of C. Bs. Nos. 47 and 48, and C. J. M. No. 4.

A communication was received from the House, through Assistant Clerk Mr. Word, announcing action had in that body.

Mr. Warren introduced C. J. R. No. 19, in relation to C. B. No. 59. Read first and second time, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—11.

Nays—2.

Title agreed to.

Mr. Collins introduced C. J. R. No. 20. Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—11.

Nay—1.

Title agreed to.

Mr. Warren introduced C. J. R. No. 21. Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

Ayes—9.

Nay—1.

Excused, 3.

Title agreed to.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, announcing his approval of C. B. No. 53.

The Council went into Executive Session to consider the communication from the Governor.

Council resumed, and the Chief Clerk was directed to inform the Governor that the Council refused to confirm the nomination of John Donegan, for the office of Territorial Auditor.

A communication was received from the House, through Assistant Clerk, Mr. Word, announcing the action had in that body.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, announcing Executive appointments.

The Council went into Executive Session to consider the same.

Council resumed, and the Chief Clerk was instructed to inform the Governor that the Council had refused to confirm the nomination of Robert Fisher, to the office of Territorial Auditor.

The Joint Committee on Enrolment, reported C. Bs. Nos. 58 and 59, delivered to the Governor for his approval, at 9.00 o'clock, P. M., this day.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, announcing Executive appointments.

The Council went into Executive Session.

Council resumed, and the Chief Clerk was instructed to inform the Governor, that the Council had refused to confirm the nomination of John McGettrick for the office of Territorial Auditor.

The Joint Committee on Enrolment reported C. B. No. 46, H. J. R. No. 12, and C. J. R. No. 16, were delivered to the Governor for his approval, at 8.20 o'clock, P. M., this day.

A communication was received from the House, through Assistant Clerk Mr. Word, announcing that C. J. R. No. 18 had been lost in the House.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, announcing Executive appointments.

The Council went into Executive Session.

Council resumed, and the Chief Clerk was instructed to inform the Governor, that the Council had refused to confirm the nomination of Nicholas Carey to the office of Territorial Auditor.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, announcing his approval of C. J. R. No. 16; also, C. Bs. Nos. 35, 46, and 59.

Also, a communication announcing Executive appointments.

The Council went into Executive Session, to consider the same.

Council resumed, and the Chief Clerk was directed to inform the Governor, that the Council had refused to confirm the nomination of Andrew O'Connell for the office of Territorial Auditor.

Mr. Collins, from the Joint Committee on Enrolment, reported C. J. Rs. Nos. 15, 19, and 21, correctly enrolled.

The President announced that he had just signed C. J. Rs. Nos. 15, 19, and 21.

Mr. Collins, from the Joint Committee on Enrolment, reported that he had presented to the Governor for his approval, at 10.30 o'clock, P. M., this day, C. J. Rs. Nos. 15, 19, and 21.

A communication was received from the Governor, through his Private Secretary, Mr. Callaway, announcing that he had approved C. J. Rs. Nos. 15 and 21.

The Council took a recess for ten minutes.

Council resumed, Mr. Owen in the chair.

Roll called—no quorum present.

A call of the Council was ordered.

Roll called.

The Sergeant-at-Arms was directed to bring in the absentees.

The absentees were reported in their seats, and the further call of the Council was dispensed with.

Mr. Laurence offered a resolution, that a committee be appointed to wait on the Governor, and ascertain if he has any further communications to make to the Council. Which was adopted; and Messrs. Laurence, Fisher, and Owen were appointed as such committee.

Mr. Warren introduced a resolution in relation to the adjournment of the Assembly.

Mr. Laurence, from the Special Committee to wait upon the Governor, reported that the Governor had no further communications to make to the Council.

The Council went into Executive Session, to consider the Governor's communication making Executive appointments.

Council resumed.

The minutes of to-day were read and approved.

The hour of eleven o'clock and fifty minutes having arrived, the Council adjourned, in accordance with H. C. R. (heretofore adopted), *sine die*.

SECRETARY'S OFFICE, MONTANA TERRITORY,
Virginia City, August 1, 1872.

I, James E. Callaway, Secretary of the Territory of Montana, do hereby certify that the foregoing Journal of the Council of the Seventh Legislative Assembly of said Territory, is a full and correct copy of the original Journal now in my office.

In testimony whereof, I have hereunto set my hand
[SEAL.] and affixed the seal of said Territory, the day and
year above written.

JAMES E. CALLAWAY.

